

**APRIL 22, 2015 CITY COUNCIL ADDENDUM  
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated April 22, 2015. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.

  
\_\_\_\_\_  
A.C. Gonzalez  
City Manager

4/17/15  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Jeanne Chipperfield  
Chief Financial Officer

4/17/15  
\_\_\_\_\_  
Date







**ADDENDUM  
CITY COUNCIL MEETING  
APRIL 22, 2015  
CITY OF DALLAS  
1500 MARILLA  
COUNCIL CHAMBERS, CITY HALL  
DALLAS, TEXAS 75201  
9:00 A. M.**

ADDITIONS:

Closed Session

Personnel (Sec. 551.074 T.O.M.A.)

- Discussion regarding evaluation of the performance of City Auditor Craig Daniel Kinton.

CONSENT ADDENDUM

**Aviation**

1. An ordinance amending Sections 5-58, 5-61, 5-62, and 5-63 of Chapter 5, "Aircraft and Airports," of the Dallas City Code to **(1)** authorize transportation-for-hire vehicles permitted by the city to operate at Dallas Love Field without registering separately with the airport; **(2)** eliminate the registration fee for ground transportation at Dallas Love Field; and **(3)** eliminate the decal fee for vehicles operating at Dallas Love Field that are permitted by the City - Estimated Annual Foregone Revenue: \$15,000

**Business Development & Procurement Services**

2. Authorize **(1)** an acquisition contract for the purchase and implementation of noise monitoring terminals at Dallas Executive Airport in the amount of \$104,934; and **(2)** a three-year service contract for maintenance and support of the noise monitoring terminals in the amount of \$9,968 - Exelis, Inc., most advantageous proposer of three - Total not to exceed \$114,902 - Financing: Aviation Current Funds (subject to annual appropriations)
3. Authorize a three-year master agreement for water meter access hatches, probing rods and socket tees - USF Fabrication, Inc. in the amount of \$755,434 and i2r Solutions USA, LLC in the amount of \$22,998, lowest responsible bidders of three - Total not to exceed \$778,432 - Financing: Water Utilities Current Funds

**ADDENDUM  
CITY COUNCIL MEETING  
APRIL 22, 2015**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

**Office of Financial Services**

4. Authorize **(1)** preliminary adoption of the FY 2015-16 HUD Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds in an estimated amount of \$24,261,552 for the following programs and estimated amounts: **(a)** Community Development Block Grant in the amount of \$13,457,745; **(b)** HOME Investment Partnerships Program in the amount of \$3,956,627; **(c)** Housing Opportunities for Persons with AIDS in the amount of \$5,637,374; **(d)** Emergency Solutions Grant in the amount of \$1,209,806; and **(e)** estimated Program Income in the amount of \$1,050,000; **(2)** preliminary adoption of the FY 2014-15 Reprogramming Budget in the amount of \$1,410,006; and **(3)** a public hearing to be held on May 27, 2015 to receive comments on the proposed use of funds - Financing: No cost consideration to the City

**Police**

5. Authorize an application for the Commercial Auto Theft Interdiction Squad/23 grant from the Texas Automobile Burglary & Theft Prevention Authority in the amount of \$796,983 to provide a specialized proactive automobile burglary and theft program, for the period September 1, 2015 through August 31, 2016; a local match and an in-kind contribution will be provided as required by the Dallas Police Department if grant is awarded - Financing: This action has no cost consideration to the City (see Fiscal Information for potential future cost)

**Public Works Department**

6. Authorize an engineering services contract with HNTB Corporation for design services necessary for the Runway 18-36 Conversion Project at Dallas Love Field - Not to exceed \$236,929 - Financing: Aviation Capital Construction Funds
7. Authorize an Interlocal Agreement with and payment to the Town of Highland Park for the City's share of project costs for the reconstruction of approximately 65-feet of deteriorated pavement on Mockingbird Lane east of the city limits - Not to exceed \$40,327 - Financing: Current Funds

**ADDENDUM  
CITY COUNCIL MEETING  
APRIL 22, 2015**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

**Sustainable Development and Construction**

8. An ordinance abandoning a portion of Harwood Street to DF Market 2, LLC, the abutting owner, containing a total of 800 square feet of land, located near the intersection of Harwood and Taylor Streets, and authorizing the quitclaim - Revenue: \$5,400, plus the \$20 ordinance publication fee
9. An ordinance abandoning portions of Taylor Street to DF Market 2, LLC, the abutting owner, containing a total of approximately 2,039 square feet of land, located near the intersection of Harwood and Taylor Streets, and authorizing the quitclaim - Revenue: \$5,400, plus the \$20 ordinance publication fee
10. An ordinance abandoning a portion of Pearl Expressway to FM Harvest, Ltd., the abutting owner, containing a total of approximately 419 square feet of land, located near the intersection of Pearl Expressway and Taylor Street, and authorizing the quitclaim - Revenue: \$5,400, plus the \$20 ordinance publication fee
11. An ordinance abandoning portions of an alley to Pedro Montoya, Taqueria Pedritos, Inc., and NEM Properties, LLC, the abutting owners, containing a total of approximately 3,038 square feet of land, located near the intersection of Capitol and Fitzhugh Avenues, authorizing the quitclaim and providing for the dedication of approximately 3,888 square feet for an alley easement - Revenue: \$98,432, plus the \$20 ordinance publication fee

ITEMS FOR INDIVIDUAL CONSIDERATION

**Trinity Watershed Management**

12. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Ami P. Shah, of a subsurface easement under approximately 491 square feet of land located on Soho Lane near its intersection with San Jacinto Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed \$3,517 (\$1,817 plus closing costs and title expenses not to exceed \$1,700) - Financing: 2006 Bond Funds

**ADDENDUM  
CITY COUNCIL MEETING  
APRIL 22, 2015**

ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

**Trinity Watershed Management** (Continued)

13. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from AT&T Communications of the Southwest, Inc., of a subsurface easement under approximately 10,167 square feet of land located on Haskell Avenue at its intersection with Bryan Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed \$37,568 (\$34,568 plus closing costs and title expenses not to exceed \$3,000) - Financing: 2006 Bond Funds
14. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Dallas Theological Seminary, of a subsurface easement under approximately 9,973 square feet of land located on Live Oak Street at its intersection with Haskell Avenue for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed \$36,408 (\$33,908 plus closing costs and title expenses not to exceed \$2,500) - Financing: 2006 Bond Funds
15. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from John Briggs, of a subsurface easement under approximately 1,148 square feet of land located on Tribeca Way near its intersection with San Jacinto Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed \$6,048 (\$4,248 plus closing costs and title expenses not to exceed \$1,800) - Financing: 2006 Bond Funds
16. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Lashey Dawkins, of a subsurface easement under approximately 503 square feet of land located on Tribeca Way near its intersection with San Jacinto Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed \$3,561 (\$1,861 plus closing costs and title expenses not to exceed \$1,700) - Financing: 2006 Bond Funds
17. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Riverfront Properties LP, of a subsurface easement under approximately 3,756 square feet of land located on Swiss Avenue near its intersection with Peak Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed \$14,770 (\$12,770 plus closing costs and title expenses not to exceed \$2,000) - Financing: 2006 Bond Funds

**ADDENDUM  
CITY COUNCIL MEETING  
APRIL 22, 2015**

ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

**Trinity Watershed Management** (Continued)

18. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Ronald G. Anglin, of a subsurface easement under approximately 247 square feet of land located on San Jacinto Street near its intersection with Caddo Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed \$2,514 (\$914 plus closing costs and title expenses not to exceed \$1,600) - Financing: 2006 Bond Funds
19. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Southwestern Bell Telephone Company, of a subsurface easement under approximately 5,814 square feet of land located on Apple Street near its intersection with Bryan Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed \$22,349 (\$20,349 plus closing costs and title expenses not to exceed \$2,000) - Financing: 2006 Bond Funds

**DESIGNATED PUBLIC SUBSIDY MATTERS**

**Economic Development**

20. Authorize additional amendments to the second Chapter 380 grant agreement ("Grant II") with Bishop Arts LLC, previously approved on December 10, 2014, by Resolution Nos. 14-2180 and 14-2181 and amended on February 25, 2015, by Resolution No. 15-0411, to: **(1)** reduce the City's second lien position on its deed of trust securing the Mixed Income Housing Guidelines to a more junior lien position behind all construction loans for the project; **(2)** clarify that the City's lien will be recorded concurrently with the Grant II disbursement and after \$30 million in construction costs have been spent; **(3)** require the developer to record deed restrictions securing the Mixed Income Housing Guidelines if, after the Grant II funds have been disbursed, the City finds that the City's lien position is further subordinated to mechanics and materialmen liens or any liens other than liens for construction loans and developer, after a 30-day notice and opportunity to cure period, has not cured such liens; and **(4)** provide for meaningful and effective enforcement action in the Grant II Agreement - Financing: No cost consideration to the City

**ADDENDUM  
CITY COUNCIL MEETING  
APRIL 22, 2015**

ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

DESIGNATED PUBLIC SUBSIDY MATTERS (Continued)

**Housing/Community Services**

21. Authorize **(1)** preliminary adoption of Substantial Amendment No. 2 to the FY 2014-15 Action Plan to **(a)** establish a Reconstruction activity and reallocate \$1,020,000 from the Housing Development Loan Program activity to the Reconstruction Program; and **(b)** reallocate \$1,642,626 from the Residential Development Loan Program to the Major Systems Repair Program; and **(2)** a public hearing to be held on May 27, 2015, to receive comments on the proposed use of funds - Financing: No cost consideration to the City
  
22. Authorize **(1)** a conditional grant agreement with NP Community Development Corporation dba Heroes House to pay for a portion of the rehabilitation costs; and **(2)** transfer of the property to NP Community Development Corporation dba Heroes House located at 2120 52<sup>nd</sup> Street - Not to exceed \$450,000 - Financing: 2012 Bond Funds

CORRECTION:

**Economic Development**

**TOD TIF District**

**Note:** Item Nos. 30 and 31  
must be considered collectively.

30. \* Authorize a development agreement with CCH Alamo, LP in an amount not to exceed \$1,405,000, payable from future TOD TIF District funds in consideration of the development of the Alamo Drafthouse Cinema project on property generally south of the corner of Cadiz and Lamar Streets in Tax Increment Financing Reinvestment Zone Number Seventeen (TOD TIF District) - Not to exceed \$1,405,000 - Financing: TOD TIF District Funds (subject to appropriations)
  
31. \* Authorize a Chapter 380 economic development grant agreement in an amount not to exceed \$450,000 with CCH Alamo, LP related to the development of the Alamo Drafthouse Cinema project on property generally south of the corner of Cadiz and Lamar Streets pursuant to Chapter 380 of the Texas Local Government Code in accordance with the City's Public/Private Partnership Program - Not to exceed \$450,000 - Financing: 2012 Bond Funds (~~subject to appropriations~~)

**ADDENDUM  
CITY COUNCIL MEETING  
APRIL 22, 2015**

**DELETIONS:**

**Public Works Department**

**Street Reconstruction Group 12-635**

**Note:** Item Nos. 12 and 13  
must be considered collectively.

12. \* Authorize a contract with Jeske Construction Company, lowest responsible bidder of six, for the reconstruction of street paving, drainage, water and wastewater main improvements for Street Reconstruction Group 12-635 (list attached) - Not to exceed \$3,745,689 - Financing: General Obligation Commercial Paper Funds (\$2,223,442), 2006 Bond Funds (\$603,185), Water Utilities Capital Improvement Funds (\$782,672) and Water Utilities Capital Construction Funds (\$136,390)
  
13. \* Authorize a professional services contract with Kleinfelder Central, Inc., to provide construction material testing for the Street Reconstruction Group 12-635 project - Not to exceed \$71,861 - Financing: General Obligation Commercial Paper Funds (\$4,035), 2006 Bond Funds (\$28,245) and 2012 Bond Funds (\$39,581)



# ADDENDUM DATE April 22, 2015

ITEM	IND								DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
1			2	C	AVI	REV \$-15,000	NA	NA	An ordinance amending Sections 5-58, 5-61, 5-62, and 5-63 of Chapter 5, "Aircraft and Airports," of the Dallas City Code to (1) authorize transportation-for-hire vehicles permitted by the city to operate at Dallas Love Field without registering separately with the airport; (2) eliminate the registration fee for ground transportation at Dallas Love Field; and (3) eliminate the decal fee for vehicles operating at Dallas Love Field that are permitted by the City - Estimated Annual Foregone Revenue: \$15,000
2			3	C	PBD, AVI	\$114,902.00	0.00%	0.00%	Authorize (1) an acquisition contract for the purchase and implementation of noise monitoring terminals at Dallas Executive Airport in the amount of \$104,934; and (2) a three-year service contract for maintenance and support of the noise monitoring terminals in the amount of \$9,968 - Exelis, Inc., most advantageous proposer of three - Total not to exceed \$114,902 - Financing: Aviation Current Funds (subject to annual appropriations)
3			All	C	PBD, WTR	\$778,431.52	0.00%	0.00%	Authorize a three-year master agreement for water meter access hatches, probing rods and socket tees - USF Fabrication, Inc. in the amount of \$755,434 and i2r Solutions USA, LLC in the amount of \$22,998, lowest responsible bidders of three - Total not to exceed \$778,432 - Financing: Water Utilities Current Funds
4			N/A	C	OFS	NC	NA	NA	Authorize (1) preliminary adoption of the FY 2015-16 HUD Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds in an estimated amount of \$24,261,552 for the following programs and estimated amounts: (a) Community Development Block Grant in the amount of \$13,457,745; (b) HOME Investment Partnerships Program in the amount of \$3,956,627; (c) Housing Opportunities for Persons with AIDS in the amount of \$5,637,374; (d) Emergency Solutions Grant in the amount of \$1,209,806; and (e) estimated Program Income in the amount of \$1,050,000; (2) preliminary adoption of the FY 2014-15 Reprogramming Budget in the amount of \$1,410,006; and (3) a public hearing to be held on May 27, 2015 to receive comments on the proposed use of funds - Financing: No cost consideration to the City
5			All	C	POL	NC	NA	NA	Authorize an application for the Commercial Auto Theft Interdiction Squad/23 grant from the Texas Automobile Burglary & Theft Prevention Authority in the amount of \$796,983 to provide a specialized proactive automobile burglary and theft program, for the period September 1, 2015 through August 31, 2016; a local match and an in-kind contribution will be provided as required by the Dallas Police Department if grant is awarded - Financing: This action has no cost consideration to the City
6			2	C	PBW, AVI	\$236,929.00	87.30%	27.42%	Authorize an engineering services contract with HNTB Corporation for design services necessary for the Runway 18-36 Conversion Project at Dallas Love Field - Not to exceed \$236,929 - Financing: Aviation Capital Construction Funds
7			14	C	PBW, STS	\$40,326.80	NA	NA	Authorize an Interlocal Agreement with and payment to the Town of Highland Park for the City's share of project costs for the reconstruction of approximately 65-feet of deteriorated pavement on Mockingbird Lane east of the city limits - Not to exceed \$40,327 - Financing: Current Funds
8			2	C	DEV	REV \$5,400	NA	NA	An ordinance abandoning a portion of Harwood Street to DF Market 2, LLC, the abutting owner, containing a total of 800 square feet of land, located near the intersection of Harwood and Taylor Streets, and authorizing the quitclaim - Revenue: \$5,400, plus the \$20 ordinance publication fee
9			2	C	DEV	REV \$5,400	NA	NA	An ordinance abandoning portions of Taylor Street to DF Market 2, LLC, the abutting owner, containing a total of approximately 2,039 square feet of land, located near the intersection of Harwood and Taylor Streets, and authorizing the quitclaim - Revenue: \$5,400, plus the \$20 ordinance publication fee
10			2	C	DEV	REV \$5,400	NA	NA	An ordinance abandoning a portion of Pearl Expressway to FM Harvest, Ltd., the abutting owner, containing a total of approximately 419 square feet of land, located near the intersection of Pearl Expressway and Taylor Street, and authorizing the quitclaim - Revenue: \$5,400, plus the \$20 ordinance publication fee

**ADDENDUM DATE April 22, 2015**

ITEM	IND								DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
11			2	C	DEV	REV \$98,432	NA	NA	An ordinance abandoning portions of an alley to Pedro Montoya, Taqueria Pedritos, Inc., and NEM Properties, LLC, the abutting owners, containing a total of approximately 3,038 square feet of land, located near the intersection of Capitol and Fitzhugh Avenues, authorizing the quitclaim and providing for the dedication of approximately 3,888 square feet for an alley easement - Revenue: \$98,432, plus the \$20 ordinance publication fee
12			14	I	TWM	\$3,517.00	NA	NA	Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Ami P. Shah, of a subsurface easement under approximately 491 square feet of land located on Soho Lane near its intersection with San Jacinto Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed \$3,517 (\$1,817 plus closing costs and title expenses not to exceed \$1,700) - Financing: 2006 Bond Funds
13			14	I	TWM	\$37,568.00	NA	NA	Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from AT&T Communications of the Southwest, Inc., of a subsurface easement under approximately 10,167 square feet of land located on Haskell Avenue at its intersection with Bryan Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed \$37,568 (\$34,568 plus closing costs and title expenses not to exceed \$3,000) - Financing: 2006 Bond Funds
14			14	I	TWM	\$36,408.00	NA	NA	Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Dallas Theological Seminary, of a subsurface easement under approximately 9,973 square feet of land located on Live Oak Street at its intersection with Haskell Avenue for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed \$36,408 (\$33,908 plus closing costs and title expenses not to exceed \$2,500) - Financing: 2006 Bond Funds
15			14	I	TWM	\$6,048.00	NA	NA	Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from John Briggs, of a subsurface easement under approximately 1,148 square feet of land located on Tribeca Way near its intersection with San Jacinto Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed \$6,048 (\$4,248 plus closing costs and title expenses not to exceed \$1,800) - Financing: 2006 Bond Funds
16			14	I	TWM	\$3,561.00	NA	NA	Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Lashey Dawkins, of a subsurface easement under approximately 503 square feet of land located on Tribeca Way near its intersection with San Jacinto Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed \$3,561 (\$1,861 plus closing costs and title expenses not to exceed \$1,700) - Financing: 2006 Bond Funds
17			2	I	TWM	\$14,770.00	NA	NA	Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Riverfront Properties LP, of a subsurface easement under approximately 3,756 square feet of land located on Swiss Avenue near its intersection with Peak Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed \$14,770 (\$12,770 plus closing costs and title expenses not to exceed \$2,000) - Financing: 2006 Bond Funds
18			14	I	TWM	\$2,514.00	NA	NA	Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Ronald G. Anglin, of a subsurface easement under approximately 247 square feet of land located on San Jacinto Street near its intersection with Caddo Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed \$2,514 (\$914 plus closing costs and title expenses not to exceed \$1,600) - Financing: 2006 Bond Funds
19			14	I	TWM	\$22,349.00	NA	NA	Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Southwestern Bell Telephone Company, of a subsurface easement under approximately 5,814 square feet of land located on Apple Street near its intersection with Bryan Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed \$22,349 (\$20,349 plus closing costs and title expenses not to exceed \$2,000) - Financing: 2006 Bond Funds





**KEY FOCUS AREA:** Public Safety  
**AGENDA DATE:** April 22, 2015  
**COUNCIL DISTRICT(S):** 2  
**DEPARTMENT:** Aviation  
**CMO:** Ryan S. Evans, 671-9837  
**MAPSCO:** 34B

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**SUBJECT**

An ordinance amending Sections 5-58, 5-61, 5-62, and 5-63 of Chapter 5, "Aircraft and Airports," of the Dallas City Code to **(1)** authorize transportation-for-hire vehicles permitted by the city to operate at Dallas Love Field without registering separately with the airport; **(2)** eliminate the registration fee for ground transportation at Dallas Love Field; and **(3)** eliminate the decal fee for vehicles operating at Dallas Love Field that are permitted by the City - Estimated Annual Foregone Revenue: \$15,000

**BACKGROUND**

This item was placed on the addendum due to the need for new regulations and transportation-for-hire services at Dallas Love Field. On December 10, 2014, the City Council approved an ordinance to create uniform regulations that apply to all transportation-for-hire services. That ordinance will go into effect on April 30, 2015. City staff and other stakeholders have been working together to smooth the transition from the current transportation-for-hire rules and processes to the new rules and processes that will go into effect on April 30, 2015. The City Council approved an ordinance on April 8, 2014, to add flexibility to the transportation-for-hire rules in Chapter 47A of the code. This ordinance will provide flexibility relating to the implementation of the new transportation-for-hire rules at Dallas Love Field. In May, the council will consider rules relating to the implementation of the new transportation-for-hire rules at Dallas-Fort Worth International Airport.

**PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On August 28, 2013, the City Council remanded consideration of transportation-for-hire service regulations to the Transportation and Trinity River Project Committee.

On January 13, 2014, the Transportation and Trinity River Project Committee, was briefed on transportation-for-hire service regulations.

**PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)** (Continued)

On January 21, 2014, the Transportation and Trinity River Project Committee, held a special meeting to hear vendor presentations, receive public comments, and discuss the transportation-for-hire service regulations.

On January 24, 2014, the Transportation and Trinity River Project Committee, was briefed on proposed amendments to the transportation-for-hire service regulations.

On March 4, 2014, April 25, 2014, and May 6, 2014, the Transportation-for-Hire Workgroup met to discuss amendments to the transportation-for-hire service regulations.

On May 27, 2014, the Transportation and Trinity River Project Committee, was briefed on the proposed amendments to the transportation-for-hire service regulations submitted by the Transportation-for-Hire Workgroup, and moved to forward the amendments to the full council for consideration and comment, and then to establish a public forum and comment period.

On August 6, 2014, briefed to the City Council, on the proposed amendments to the transportation-for-hire service regulations submitted by the Transportation-for-Hire Workgroup.

The transportation-for-hire ordinance was posted on the City's website on August 8, 2014, and written public comments were accepted by the City Secretary's Office from 12:00 a.m. on Saturday August 9, 2014 through 5:00 p.m. on Friday August 29, 2014. A revised transportation-for-hire ordinance was posted on the City's website on August 25, 2014.

On September 2, 2014, a public forum on the transportation-for-hire ordinance was held.

On September 8, 2014, the Transportation and Trinity River Project Committee, was briefed on the revised transportation-for-hire ordinance.

On November 17, 2014, the Transportation and Trinity River Project Committee, was briefed on the transportation-for-hire ordinance.

On December 10, 2014, the City Council approved the transportation-for-hire ordinance.

On April 8, 2014, the City Council approved an ordinance amending Chapter 47A, the new transportation-for-hire ordinance, to provide flexibility in implementing the new rules, and to adjust the transportation-for-hire fees.

**PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)** (Continued)

On April 20, 2015, the Economic Development Committee, is scheduled to be briefed regarding this item.

**FISCAL INFORMATION**

\$15,000 - Estimated Annual Foregone Revenue

4/13/15

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Sections 5-58, 5-61, 5-62, and 5-63 of Chapter 5, “Aircraft and Airports,” of the Dallas City Code; authorizing transportation-for-hire vehicles permitted by the city to operate at Dallas Love Field without registering separately with the airport; eliminating the registration fee for ground transportation at Dallas Love Field; eliminating the decal fee for transportation-for-hire vehicles operating at Dallas Love Field that are permitted by the city; making conforming changes; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Paragraph (2) of Section 5-58, “Definitions,” of Article II, “Ground Transportation Services at Love Field Airport,” of Chapter 5, “Aircraft and Airports,” of the Dallas City Code is amended to read as follows:

“(2) AVI TAG means an electronic automatic vehicle identification tag issued by the North Texas Tollway Authority that is registered with the airport’s ground transportation office and may be [is] used to charge trip fees for ground transportation vehicles operating at the airport.”

SECTION 2. That Paragraph (3) of Section 5-58, “Definitions,” of Article II, “Ground Transportation Services at Love Field Airport,” of Chapter 5, “Aircraft and Airports,” of the Dallas City Code is amended to read as follows:

“(3) CERTIFICATE OF REGISTRATION or REGISTRATION means a certificate of registration issued by the director under Section 5-62 of this article that authorizes the operation at the airport of a courtesy vehicle or transportation-for-hire vehicle that does not have a current, valid vehicle permit issued under Chapter 47A of this code [~~at the airport~~].”

SECTION 3. That Paragraph (7) of Section 5-58, “Definitions,” of Article II, “Ground Transportation Services at Love Field Airport,” of Chapter 5, “Aircraft and Airports,” of the Dallas City Code is amended to read as follows:

“(7) DECAL means a decal issued by the director under Section 5-62 of this article authorizing the operation at the airport of a courtesy vehicle or transportation-for-hire vehicle that does not have a current, valid vehicle permit issued under Chapter 47A of this code ~~[to be operated at the airport].”~~

SECTION 4. That Section 5-61, “Ground Transportation Service Requirements,” of Article II, “Ground Transportation Services at Love Field Airport,” of Chapter 5, “Aircraft and Airports,” of the Dallas City Code is amended to read as follows:

**“SEC. 5-61. GROUND TRANSPORTATION SERVICE REQUIREMENTS.**

(a) A person commits an offense if he performs ground transportation service at the airport without being authorized under either:

(1) ~~[performs ground transportation service at the airport without being authorized under]~~ a current, valid certificate of registration issued under Section 5-62 of this article; or

(2) a current, valid operating authority permit issued under Chapter 47A of this code ~~[operates, or as a holder allows the operation of, a ground transportation vehicle at the airport without the operator of the vehicle being named in the registration issued under Section 5-62 of this article and without the vehicle being listed in the registration issued under Section 5-62 of this article].~~

(b) A person commits an offense if he operates a ground transportation vehicle at the airport without either ~~[performs transportation for hire service at the airport or operates a transportation for hire vehicle at the airport without current, valid operating authority under Chapter 47A of this code];~~

(1) being named in the registration issued under Section 5-62 of this article; or

(2) holding a current, valid driver permit issued under Chapter 47A of this code.

(c) A person commits an offense if he operates, or as a holder allows the operation of, a ground transportation vehicle at the airport that:

(1) is not listed in the registration issued under Section 5-62 of this article; or

(2) does not have a current, valid vehicle permit issued under Chapter 47A of this code.

(d) Each ground transportation vehicle operated at the airport that is required by the director to have an AVI tag must display the ~~[an]~~ AVI tag issued to the owner or operator of the

vehicle. The AVI tag must be affixed to the vehicle in a location and manner approved by the director. An AVI tag is not transferable.

~~(e[4])~~ Each ground transportation vehicle operated at the airport that does not have a vehicle permit issued under Chapter 47A of this code must have a decal issued under Section 5-62 of this article conspicuously affixed to the vehicle's front windshield in a location and manner approved by the director."

SECTION 5. That Subsection (a), "Registration Required; Application," of Section 5-62, "Ground Transportation Service Requirements," of Article II, "Ground Transportation Services at Love Field Airport," of Chapter 5, "Aircraft and Airports," of the Dallas City Code is amended to read as follows:

"(a) Registration [required]; application.

(1) To obtain a ground transportation service certificate of registration, a person must submit an application to the director on a form provided for that purpose. The applicant must be the person who will own or operate the proposed ground transportation service.

(2) The registration application must include or be accompanied by:

(A) the name, address, and verified signature of the applicant;

(B) a description of each motor vehicle the applicant proposes to use in the operation of the ground transportation service, including the make, model, vehicle identification number, and state license plate number of the motor vehicle;

(C) the full name and driver's license number of every individual expected to drive or operate a ground transportation vehicle at the airport under the registration;

(D) proof of each driver's authority to operate the type of motor vehicle designated by the applicant to be operated in the ground transportation service;

(E) documentary evidence from an insurance company indicating a willingness to provide liability insurance on each courtesy vehicle or transportation-for-hire vehicle to be operated at the airport;

(F) ~~[for transportation for hire vehicles, proof of current, valid operating authority issued by the city under Chapter 47A of this code;~~

~~(G)~~ proof showing the purchase or authorized use of a valid AVI tag for each courtesy vehicle or transportation-for-hire vehicle to be operated at the airport;

(G[H]) a decal [an annual registration] fee in the amount specified in Section 5-63 of this article for each courtesy vehicle or transportation-for-hire vehicle to be operated at the airport that does not have a current, valid vehicle permit issued under Chapter 47A of this code; and

(H[I]) any other information requested by the director that is reasonably necessary to determine the qualifications of the applicant to perform ground transportation service at the airport.”

SECTION 6. That Section 5-63, “Fees,” of Article II, “Ground Transportation Services at Love Field Airport,” of Chapter 5, “Aircraft and Airports,” of the Dallas City Code is amended to read as follows:

**“SEC. 5-63. FEES.**

(a) A person performing ground transportation service at the airport shall pay the following fees to the director:

(1) ~~[Annual registration fee. The annual registration fee for ground transportation service is \$325. If a certificate of registration is issued for a period of time of less than one year, the fee will be prorated. A \$50 late fee will be charged for each ground transportation service operating at the airport that has not registered with the city by September 30 of each year.~~

(2)] Decal fees. An annual decal fee of \$15 will be charged for each courtesy vehicle or transportation-for hire vehicle operated at the airport that does not have a current, valid vehicle permit issued under Chapter 47A of this code, by a ground transportation service operating at the airport. The fee to replace a decal that has been lost, stolen, or mutilated is \$15.

(2[3]) Trip fees. Each courtesy vehicle not operating under an airport concession contract and each transportation-for-hire vehicle will be charged \$2.50 per trip per vehicle. Courtesy vehicles operating under an airport concession contract will not be charged a trip fee.

(b) The director shall establish rules and regulations governing the time and manner in which the fees required by this section must be paid.”

SECTION 7. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

SECTION 8. That Chapter 5 of the Dallas City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 9. That a certificate of registration or a decal issued under Chapter 5 of the Dallas City Code before the effective date of this ordinance shall remain valid until the expiration date of the certificate or decal, and the former law is continued in effect for that purpose.

SECTION 10. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 11. That this ordinance shall take effect on April 30, 2015, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_

**KEY FOCUS AREA:** Public Safety

**AGENDA DATE:** April 22, 2015

**COUNCIL DISTRICT(S):** 3

**DEPARTMENT:** Business Development & Procurement Services  
Aviation

**CMO:** Jeanne Chipperfield, 670-7804  
Ryan S. Evans, 671-9837

**MAPSCO:** 63L

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**SUBJECT**

Authorize **(1)** an acquisition contract for the purchase and implementation of noise monitoring terminals at Dallas Executive Airport in the amount of \$104,934; and **(2)** a three-year service contract for maintenance and support of the noise monitoring terminals in the amount of \$9,968 - Exelis, Inc., most advantageous proposer of three - Total not to exceed \$114,902 - Financing: Aviation Current Funds (subject to annual appropriations)

**BACKGROUND**

This item was placed on the addendum due to the additional tenants at Dallas Executive Airport, extra monitors are needed by Aviation to provide data to effectively respond to citizen inquiries about aircraft generated noise.

These contracts will provide for the purchase, implementation and maintenance of noise monitoring terminals at Dallas Executive Airport. This contract will add and integrate four additional noise monitors to the existing Noise and Operations Monitoring System (NOMS) for the purpose of monitoring aircraft noise around Dallas Executive Airport.

The new field noise monitoring terminals which will be located at the end of each runway will capture noise data within the vicinity of Dallas Executive Airport. This data will be fully integrated within the existing NOMS system to measure noise levels of airport operations, produce aircraft flight tracks, create noise contours and provide noise metric data for response to citizen inquiries.

**BACKGROUND (Continued)**

A four member evaluation committee was selected from the following departments:

- Communication and Information Services (1)
- Aviation (1)
- Office of Environmental Quality (1)
- Business Development and Procurement Services (1)\*

\*Business Development and Procurement Services only evaluated the cost.

The successful proposer was selected by the committee on the basis of demonstrated competence and qualifications under the following criteria:

- Cost 70%
- Experience and Qualifications 30%

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services used its procurement system to send out 1,145 email bid notifications to vendors registered under respective commodities. To further increase competition, Business Development and Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the Business Development and Procurement Services' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

**PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

This item has no prior action.

**FISCAL INFORMATION**

\$114,902.00 - Aviation Current Funds (subject to annual appropriations)

**M/WBE INFORMATION**

- 297 - Vendors contacted
- 297 - No response
  - 0 - Response (Bid)
  - 0 - Response (No Bid)
  - 0 - Successful

**M/WBE INFORMATION (Continued)**

1,145 - M/WBE and Non-M/WBE vendors were contacted

The recommended awardee has fulfilled the requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826 as amended.

**ETHNIC COMPOSITION**

Exelis, Inc.

White Male	170	White Female	83
Black Male	14	Black Female	26
Hispanic Male	9	Hispanic Female	7
Other Male	34	Other Female	12

**PROPOSAL INFORMATION**

The following proposals were received from solicitation number BUZ1511 and were opened on March 12, 2015. These contracts are being awarded to the most advantageous proposer.

\*Denotes successful proposer

<b><u>Proposers</u></b>	<b><u>Address</u></b>	<b><u>Score</u></b>	<b><u>Amount</u></b>
*Exelis, Inc.	12930 Worldgate Dr. Herndon, VA 20170	99%	\$114,902.00
PCB Piezotronics, Inc.	3425 Walden Ave. Depew, NY 14043	95%	\$115,976.00
Casper BV	Parklaan 32 2011 KW Haarlem, The Netherlands	82%	\$130,682.00

**OWNER**

**Exelis, Inc.**

Ralph Hake, Chairman  
David Melcher, Chief Executive Officer/President

## BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

**PROJECT:** Authorize (1) an acquisition contract for the purchase and implementation of noise monitoring terminals at Dallas Executive Airport in the amount of \$104,934; and (2) a three-year service contract for maintenance and support of the noise monitoring terminals in the amount of \$9,968 - Exelis, Inc., most advantageous proposer of three - Total not to exceed \$114,902 - Financing: Aviation Current Funds (subject to annual appropriations)

Exelis, Inc. is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

**PROJECT CATEGORY:** Other Services

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### LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$114,902.00	100.00%
<b>TOTAL CONTRACT</b>	<b>\$114,902.00</b>	<b>100.00%</b>

### LOCAL/NON-LOCAL M/WBE PARTICIPATION

#### Local Contractors / Sub-Contractors

None

#### Non-Local Contractors / Sub-Contractors

None

### TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local &amp; Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	<u>\$0.00</u>	<u>0.00%</u>	<u>\$0.00</u>	<u>0.00%</u>

April 22, 2015

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**Section 1.** That the City Manager is authorized to execute (1) an acquisition contract for the purchase and implementation of noise monitoring terminals at Dallas Executive Airport in the amount of \$104,934.00; and (2) a three-year service contract for maintenance and support of the noise monitoring terminals in the amount of \$9,968.00, with Exelis, Inc. (VS0000077349) in a total amount not to exceed \$114,902.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Exelis, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Exelis, Inc. under the contract.

**Section 2.** That the Chief Financial Officer is hereby authorized to disburse funds from the following appropriations in an amount not to exceed \$114,902.00 (subject to annual appropriations):

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>AMOUNT</u>	<u>FY</u>	<u>ENCUMBRANCE</u>
0130	AVI	7731	4890	\$104,934.00	2015	CTAVI7731EXEFY15
0130	AVI	7731	3099	\$ 1,568.00	2015	CTAVIEXEMAINFY15
0130	AVI	7731	3099	\$ 1,568.00	2016	CTAVIEXEMAINFY16
0130	AVI	7731	3099	\$ 6,832.00	2017	CTAVIEXEMAINFY17

**Section 3.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.



**KEY FOCUS AREA:** Clean, Healthy Environment

**AGENDA DATE:** April 22, 2015

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Business Development & Procurement Services  
Water Utilities

**CMO:** Jeanne Chipperfield, 670-7804  
Mark McDaniel, 670-3256

**MAPSCO:** N/A

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**SUBJECT**

Authorize a three-year master agreement for water meter access hatches, probing rods and socket tees - USF Fabrication, Inc. in the amount of \$755,434 and i2r Solutions USA, LLC in the amount of \$22,998, lowest responsible bidders of three - Total not to exceed \$778,432 - Financing: Water Utilities Current Funds

**BACKGROUND**

This item was placed on the addendum in order to avoid delays with several Water Utilities projects currently in progress.

This action does not encumber funds; the purpose of a master agreement is to establish firm pricing for goods, for a specific term, which are ordered on an as needed basis.

This master agreement will provide water meter access hatches, probing rods and socket tees for Water Utilities. The water meter access hatches are installed on pre-cast meter vaults which are seated underground. The access hatches/vaults are installed as part of sidewalks, parking areas, at pump stations and City meter vaults. The water meter access hatches allow staff to perform inspections, maintenance and installation of water valves, meters and piping as well as provide protection for the apparatuses from environmental elements. The water meter access hatches provide safe passage for pedestrians and workers who access the paved area where the vault is seated.

The average life cycle of an aluminum water meter access hatch can range up to 30 years, depending on the environment and amount of usage by pedestrians and or workers.

## **BACKGROUND (Continued)**

Water Utilities on average replaces approximately 186 hatches annually and approximately 185 hatches are distributed to contractors for new developments annually. The most common reasons for replacement are tampering, theft, traffic damage and aging. Parts which are replaced on a regular basis are lift springs, lids and frames.

This solicitation was structured in a manner which required bidders to submit a response using unit pricing. This bid resulted in a 12.2% increase on comparable unit prices for the bids awarded in 2010.

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 161 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the BDPS' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On January 13, 2010, City Council authorized a three-year master agreement for water meter access hatches for Dallas Water Utilities by Resolution No. 10-0138.

## **FISCAL INFORMATION**

\$778,431.52 - Water Utilities Current Funds

## **M/WBE INFORMATION**

19 - Vendors contacted  
19 - No response  
0 - Response (Bid)  
0 - Response (No bid)  
0 - Successful

161 - M/WBE and Non-M/WBE vendors were contacted

The recommended awardees have fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826 as amended.

## **ETHNIC COMPOSITION**

### **USF Fabrication, Inc.**

White Male	10	White Female	5
Black Male	1	Black Female	0
Hispanic Male	112	Hispanic Female	4
Other Male	0	Other Female	0

### **i2r Solutions USA, LLC**

White Male	0	White Female	0
Black Male	2	Black Female	0
Hispanic Male	0	Hispanic Female	0
Other Male	0	Other Female	0

## **BID INFORMATION**

The following bids were received from solicitation number BM1517 and were opened on April 2, 2015. This master agreement is being awarded to the lowest responsive and responsible bidders by line. Information related to this solicitation is available upon request.

\*Denotes successful bidders

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount</u></b>
*USF Fabrication, Inc.	3200 W. 84 St. Hialeah, FL 33018	Multiple Lines
*i2r Solutions USA, LLC	Ray White Rd. #200 Fort Worth, TX 76244	Multiple Lines
Aucdor Products, Inc.	80 Little Falls Rd. Fairfield, NJ 07004	Multiple Lines

## **OWNERS**

### **USF Fabrication, Inc.**

Alex DeBogory, Jr., President  
Alex Lane DeBogory, Vice President/Secretary

### **i2r Solutions USA, LLC**

Ayodele Adeleye, President

## BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

**PROJECT:** Authorize a three-year master agreement for water meter access hatches, probing rods and socket tees - USF Fabrication, Inc. in the amount of \$755,434 and i2r Solutions USA, LLC in the amount of \$22,998, lowest responsible bidders of three - Total not to exceed \$778,432 - Financing: Water Utilities Current Funds

USF Fabrication, Inc. and i2r Solutions USA, LLC are non-local, non-minority firms, have signed the "Business Inclusion & Development" documentation, and propose to use their own workforces.

**PROJECT CATEGORY:** Goods

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### LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$778,431.52	100.00%
<b>TOTAL CONTRACT</b>	<b>\$778,431.52</b>	<b>100.00%</b>

### LOCAL/NON-LOCAL M/WBE PARTICIPATION

#### Local Contractors / Sub-Contractors

None

#### Non-Local Contractors / Sub-Contractors

None

### TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local &amp; Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	<u>\$0.00</u>	<u>0.00%</u>	<u>\$0.00</u>	<u>0.00%</u>

April 22, 2015

**WHEREAS**, on January 13, 2010, City Council authorized a three-year master agreement for water meter access hatches for Dallas Water Utilities by Resolution No. 10-0138;

**NOW, THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**Section 1.** That a master agreement for the purchase of water meter access hatches, probing rods and socket tees is authorized with USF Fabrication, Inc. (269498) in the amount of \$755,434.00 and i2r Solutions USA, LLC (VS86771) in the amount of \$22,997.52 for a term of three years in a total amount not to exceed \$778,431.52.

**Section 2.** That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for water meter access hatches, probing rods and socket tees. If a written contract is required or requested for any or all purchases of water meter access hatches, probing rods and socket tees under the master agreement instead of individual purchase orders, the City Manager is authorized to execute the contract upon approval as to form by the City Attorney.

**Section 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$778,431.52.

**Section 4.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved



**KEY FOCUS AREA:** E-Gov  
**AGENDA DATE:** April 22, 2015  
**COUNCIL DISTRICT(S):** N/A  
**DEPARTMENT:** Office of Financial Services  
**CMO:** Jeanne Chipperfield, 670-7804  
**MAPSCO:** N/A

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**SUBJECT**

Authorize **(1)** preliminary adoption of the FY 2015-16 HUD Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds in an estimated amount of \$24,261,552 for the following programs and estimated amounts: **(a)** Community Development Block Grant in the amount of \$13,457,745; **(b)** HOME Investment Partnerships Program in the amount of \$3,956,627; **(c)** Housing Opportunities for Persons with AIDS in the amount of \$5,637,374; **(d)** Emergency Solutions Grant in the amount of \$1,209,806; and **(e)** estimated Program Income in the amount of \$1,050,000; **(2)** preliminary adoption of the FY 2014-15 Reprogramming Budget in the amount of \$1,410,006; and **(3)** a public hearing to be held on May 27, 2015 to receive comments on the proposed use of funds - Financing: No cost consideration to the City

**BACKGROUND**

This item is on the addendum to allow time for City Council briefing and in order to meet the HUD requirement for citizen participation and minimum 30 day public review and comment period.

The Community Development Commission (CDC) and City staff conducted six (6) neighborhood public hearings that provided the public opportunities to participate in identifying needs and to comment on the potential uses of U. S. Department of Housing and Urban Development (HUD) Grant Funds.

Neighborhood public hearings were held as follows:

- January 8, 2015 - Dallas City Hall
- January 12, 2015 - Willie B. Johnson Recreation Center
- January 13, 2015 - Martin Luther King, Jr. Community Center
- January 13, 2015 - Renner Frankford Library
- January 14, 2015 - Jaycee Zaragoza Recreation Center
- January 15, 2015 - Tommie Allen Recreation Center

## **BACKGROUND** (Continued)

The Proposed FY 2014-15 Reprogramming Budget was briefed to the City Council on February 4, 2015.

The City Manager's Proposed FY 2015-16 HUD Consolidated Plan Budget was presented to the CDC on March 16, 2015 and the CDC held meetings in March 2015 to review the proposed budget.

On April 2, 2015, the CDC concurred with the City Manager's proposed budget and there were no amendments.

The City Council was briefed on the Proposed FY 2015-16 HUD Consolidated Plan Budget and the CDC's recommendation on April 15, 2015. The City Council is scheduled to conduct a straw vote on the Proposed FY 2015-16 HUD Consolidated Plan Budget on May 20, 2015.

The Federal regulations and the City's Citizen Participation Plan require a public hearing to receive comments. This budget will be made available for public review and comment from April 23, 2015 through May 27, 2015. A public hearing will be held on May 27, 2015. Final adoption is scheduled for June 10, 2015.

This action includes the City Council's preliminary adoption of the FY 2015-16 HUD Consolidated Plan Budget and the FY 2014-15 Reprogramming Budget and authorization to hold the public hearing on May 27, 2015 before the City Council.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On February 4, 2015, the Proposed FY 2014-15 Reprogramming Budget was briefed to the City Council.

On March 16, 2015, the CDC was briefed on the City Manager's Proposed FY 2015-16 HUD Consolidated Plan Budget. The CDC held meetings in March 2015 to review the proposed budget.

On April 2, 2015, the CDC concurred with the City Manager's proposed budget and there were no amendments.

On April 15, 2015, the City Council was briefed on the Proposed FY 2015-16 HUD Consolidated Plan Budget and the CDC's recommendation.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)** (Continued)

Proposed FY 2015-16 HUD Consolidated Plan Budget

CDBG:	\$13,457,745	2015-16 Entitlement
	\$ 400,000	Program Income (estimate)
	<u>\$ 600,000</u>	Program Income - Retained by Sub-Recipient (SDDC)
	\$14,457,745	

HOME:	\$ 3,956,627	2015-16 Entitlement
	<u>\$ 50,000</u>	Program Income (estimate)
	\$ 4,006,627	

ESG:	\$ 1,209,806	2015-16 Entitlement
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HOPWA:	<u>\$ 5,637,374</u>	2015-16 Entitlement
	\$25,311,552	Total FY 2015-16 HUD Consolidated Plan Budget

FY 2014-15 Reprogramming Budget:

\$ 1,410,006 Unobligated funds in FY 2013-14 and prior years

April 22, 2015

**WHEREAS**, the Community Development Commission (CDC) and City staff conducted six (6) neighborhood public hearings during January 2015 that provided the public opportunities to participate in identifying needs and to comment on the potential uses of U. S. Department of Housing and Urban Development (HUD) Grant Funds; and

**WHEREAS**, on March 16, 2015, the Community Development Commission (CDC) was briefed on the City Manager's proposed FY 2015-16 HUD Consolidated Plan Budget, CDC Committees held meetings in March 2015 to review the proposed budget; and

**WHEREAS**, on April 2, 2015, the Community Development Commission concurred with the City Manager's proposed budget and there were no amendments; and

**WHEREAS**, on April 15, 2015, the City Council was briefed on the City Manager's proposed FY 2015-16 HUD Consolidated Plan Budget, FY 2014-15 Reprogramming Budget, and the Community Development Commission's recommendations; The City Council is scheduled to conduct a straw vote on the Proposed FY 2015-16 HUD Consolidated Plan Budget on May 20, 2015; and

**WHEREAS**, federal regulations require that a public hearing be held on the City's Proposed FY 2015-16 HUD Consolidated Plan Budget and the Proposed FY 2014-15 Reprogramming Budget; and

**WHEREAS**, the grant funds include: Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), Housing Opportunities for Persons with AIDS (HOPWA), and Emergency Solutions Grant (ESG); and

**WHEREAS**, a summary of the Proposed FY 2015-16 HUD Consolidated Plan Budget and the Proposed FY 2014-15 Reprogramming Budget will be published in the Dallas Morning News on April 23, 2015 to provide an opportunity to submit written comments through May 27, 2015; and

**WHEREAS**, holding a public hearing on May 27, 2015 satisfies requirements set forth in the City's Citizen Participation Plan; **Now, Therefore,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**Section 1.** That the preliminary FY 2015-16 HUD Consolidated Plan Budget and FY 2014-15 Reprogramming Budget be adopted per the Attachment A.

**Section 2.** That a public hearing be held on May 27, 2015 before the Dallas City Council to receive comments on the City's Proposed FY 2015-16 HUD Consolidated Plan Budget and the Proposed FY 2014-15 Reprogramming Budget.

April 22, 2015

**Section 3.** That this resolution shall take effect immediately from and after its passage in accordance with the provision of the Charter of the City of Dallas, and it is accordingly so resolved.

**FY 2015-16 CONSOLIDATED PLAN FOR  
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**Attachment A**

Project Name	CD	FY 2014-15 Amended Budget	FY 2015-16 City Manager's Proposed Budget	CDC Proposed Amendments as of 4/2/2015 +/-	FY 2015-16 Proposed Budget
<b><u>SOURCE OF FUNDS</u></b>					
<b>Community Development Block Grant</b>					
Entitlement (grant)		\$13,572,496	\$13,457,745		\$13,457,745
Program Income - Housing Activities		400,000	400,000		400,000
Program Income - Sub-Recipient Retained Program Income (SDDC)		600,000	600,000		600,000
Reprogramming		1,185,650	1,410,006		1,410,006
		\$15,758,146	\$15,867,751	0	\$15,867,751
<b>Home Investment Partnership</b>					
Entitlement (grant)		4,365,818	3,956,627		3,956,627
Program Income Housing Activities		450,000	50,000		50,000
		4,815,818	4,006,627	0	4,006,627
<b>Emergency Solutions Grant</b>					
Entitlement (grant)		1,130,946	1,209,806	0	1,209,806
<b>Housing Opportunities for Persons with AIDS</b>					
Entitlement (grant)		5,375,254	5,637,374		5,637,374
<b>TOTAL SOURCE OF FUNDS</b>		<b>\$27,080,164</b>	<b>\$26,721,558</b>	<b>0</b>	<b>\$26,721,558</b>
<b><u>USE OF FUNDS</u></b>					
<b>Community Development Block Grant</b>					
Public Services (15% of CDBG maximum amount allowed)		\$2,116,372	\$2,106,435	0	\$2,106,435
Housing Activities		7,859,118	8,200,189	0	8,200,189
Economic Development Activities		1,240,000	1,240,000	0	1,240,000
Public Improvements		1,748,157	1,549,578	0	1,549,578
Fair Housing and Program Oversight (20% of CDBG maximum amount allowed)		2,794,499	2,771,549	0	2,771,549
		15,758,146	15,867,751	0	15,867,751
<b>HOME Investment Partnerships Program</b>					
HOME Programs		4,815,818	4,006,627	0	4,006,627
<b>Emergency Solutions Grant</b>					
ESG Programs		1,130,946	1,209,806	0	1,209,806
<b>Housing Opportunities for Persons with AIDS</b>					
HOPWA Programs		5,375,254	5,637,374	0	5,637,374
<b>TOTAL USE OF FUNDS</b>		<b>\$27,080,164</b>	<b>\$26,721,558</b>	<b>0</b>	<b>\$26,721,558</b>

\*CW=City Wide

**FY 2015-16 CONSOLIDATED PLAN FOR  
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**Attachment A**

Project Name	CD	FY 2014-15 Amended Budget	FY 2015-16 City Manager's Proposed Budget	CDC Proposed Amendments as of 4/2/2015 +/-	FY 2015-16 Proposed Budget
<b>COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)</b>					
<b>CDBG - Public Services</b>					
1					
<b>After-School/Summer Program</b> - Provide after school and summer programs for low income youth Monday thru Friday through structured recreational, cultural, social and life skills activities. 24 CDBG funded sites.	CW	530,647	530,647		530,647
2					
<b>Child Care Services Program</b> - Provide after school programs, and daycare for special needs children, children who are homeless, and children with disabilities via contracts with non-profit agencies.	CW	189,129	189,129		189,129
3					
<b>City Child Care Services</b> - Provide child care subsidies for low and moderate income working parents and teenage parents who are attending school and do not qualify for any other form of public assistance.	CW	299,697	299,697		299,697
<b>Youth Programs Sub-Total</b>		<b>1,019,473</b>	<b>1,019,473</b>	<b>0</b>	<b>1,019,473</b>
4					
<b>Clinical Dental Care Program</b> - Provide dental health services to low/moderate income seniors and youth through age of 19 via contract with non-profit agency.	CW	100,000	100,000		100,000
<b>Clinical Health Services Sub-Total</b>		<b>100,000</b>	<b>100,000</b>	<b>0</b>	<b>100,000</b>
5					
<b>City Office of Senior Affairs</b> - Enhance the quality of life for older adults by disseminating support services information and providing direct and emergency support services.	CW	142,379	142,379		142,379
6					
<b>Senior Services Program</b> - Provide case management and other programs for seniors, as well as investigative support services in both community and institutional settings via contracts with non-profit agencies.	CW	73,049	73,049		73,049
<b>Senior Services Sub-Total</b>		<b>215,428</b>	<b>215,428</b>	<b>0</b>	<b>215,428</b>
7					
<b>South Dallas / Fair Park Community Court</b> - Through the community court, offenses to persons and code violations of property are swiftly adjudicated and restitution made by defendants who plead guilty or no contest.	2,5,7	287,159	296,248		296,248
8					
<b>South Oak Cliff Community Court</b> - Through the community court, offenses to persons and code violations of property are swiftly adjudicated and restitution made by defendants who plead guilty or no contest.	4,8	252,213	235,741		235,741
9					
<b>West Dallas Community Court</b> - Through the community court, offenses to persons and code violations of property are swiftly adjudicated and restitution made by defendants who plead guilty or no contest.	1,3,6	217,099	214,545		214,545

\*CW=City Wide

**FY 2015-16 CONSOLIDATED PLAN FOR  
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**Attachment A**

	<b>Project Name</b>	<b>CD</b>	<b>FY 2014-15 Amended Budget</b>	<b>FY 2015-16 City Manager's Proposed Budget</b>	<b>CDC Proposed Amendments as of 4/2/2015 +/-</b>	<b>FY 2015-16 Proposed Budget</b>
10	<b>Training and Employment for Adults with Disabilities</b> - Provide development of life skills, vocational training and job placement for adults with disabilities.	CW	25,000	25,000		25,000
	<b>Other Public Services (Non-Youth) Sub-Total</b>		<b>781,471</b>	<b>771,534</b>	<b>0</b>	<b>771,534</b>
	<b>Total CDBG - Public Services</b>		<b>2,116,372</b>	<b>2,106,435</b>	<b>0</b>	<b>2,106,435</b>
<b><u>CDBG - Housing Activities</u></b>						
11	<b>Housing Development Support</b> - Provide service delivery staff to implement the Mortgage Assistance Program and CHDO Program which benefit low income homeowners.	CW	1,052,706	1,052,706		1,052,706
12	<b>Mortgage Assistance Program</b> - Provide no interest, deferred payment loans for down-payment, principal reduction and closing cost assistance up to a maximum of \$20,000.	CW	1,165,856	1,165,856		1,165,856
13	<b>Housing Services Program</b> - Provides CDBG funds to CHDOs for expenses incurred in support of HOME-funded activities, such as housing counseling, loan processing, and other services related to assisting potential homebuyers participating or seeking to participate in HOME funded projects.	CW	50,000	50,000		50,000
	<b>Homeownership Opportunities Sub-Total</b>		<b>2,268,562</b>	<b>2,268,562</b>	<b>0</b>	<b>2,268,562</b>
14	<b>Housing Assistance Support</b> - Provide service delivery staff to implement the Major Systems Repair Program and Reconstruction Program, which benefit low/moderate income homeowners.	CW	1,628,872	1,533,936		1,533,936
15	<b>Major Systems Repair Program</b> - Provide homeowner assistance with repairs/replacements to following major systems: heating/air, plumbing/gas, roof and electrical.	CW	1,533,761	1,533,761		1,533,761
16	<b>Minor Plumbing Repair/Replacement Program</b> - Provide leak repairs, low flow toilet and fixture replacement and minor plumbing repair assistance to low/moderate income homeowners.	CW	50,000	50,000		50,000
17	<b>Reconstruction Program</b> - Provide deferred loans to low-income homeowners for reconstruction of their existing homes. The reconstruction deferred payment loan is \$103,000 per unit.	CW	937,326	1,221,964		1,221,964
18	<b>People Helping People (PHP) Program</b> - Provide for minor exterior repair services to single family homes through volunteers and contract services to low/moderate income, elderly and disabled homeowners.	CW	871,731	871,731		871,731
	<b>Homeowner Repair Sub-Total</b>		<b>5,021,690</b>	<b>5,211,392</b>	<b>0</b>	<b>5,211,392</b>
19	<b>Dedicated SAFE II Expansion Code Inspection - Code Compliance</b> - Provide enhanced code enforcement activities to supplement police investigations where criminal actions hamper or prevent community revitalization.	CW	96,000	96,000		96,000
20	<b>Dedicated SAFE II Expansion Code Inspection - Fire Department</b> - Provide enhanced code enforcement activities to supplement police investigations where criminal actions hamper or prevent community revitalization.	CW	70,538	70,538		70,538

\*CW=City Wide

**FY 2015-16 CONSOLIDATED PLAN FOR  
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**Attachment A**

	Project Name	CD	FY 2014-15 Amended Budget	FY 2015-16 City Manager's Proposed Budget	CDC Proposed Amendments as of 4/2/2015 +/-	FY 2015-16 Proposed Budget
21	<b>Dedicated SAFE II Expansion Code Inspection - Police Department -</b> Provide enhanced code enforcement activities to supplement police investigations where criminal actions hamper or prevent community revitalization.	CW	51,994	46,122		46,122
22	<b>Neighborhood Investment Program - Code Compliance -</b> Provide enhanced code enforcement activities in the targeted neighborhood areas.	1-8	507,575	507,575		507,575
	<b>Other Housing/Neighborhood Revitalization Sub-Total</b>		<b>726,107</b>	<b>720,235</b>	<b>0</b>	<b>720,235</b>
	<b>Total CDBG - Housing Activities</b>		<b>8,016,359</b>	<b>8,200,189</b>	<b>0</b>	<b>8,200,189</b>
	<b>CDBG - Economic Development</b>					
23	<b>Business Loan Program (Program Income) -</b> SDDC retains program income generated from revolving business loan program to provide additional loans.	CW	600,000	600,000		600,000
24	<b>Business Assistance Center Program -</b> Provide comprehensive technical assistance and business support services to Low/Moderate income persons interested in developing Micro-Enterprises and those who own Micro-Enterprises. List below represents FY 2014-15.	CW	<b>640,000</b>	<b>640,000</b>		<b>640,000</b>
	• BAC #1 - Greater Dallas Hispanic Chamber		80,000	80,000		80,000
	• BAC #2 - The Dallas Black Chamber of Commerce		80,000	80,000		80,000
	• BAC #3 - Sammons Business & Community Lenders of Texas		80,000	80,000		80,000
	• BAC #4 - Spring Ave Business & Community Lenders of Texas		80,000	80,000		80,000
	• BAC #5 - Business Assistance Center, Inc		80,000	80,000		80,000
	• BAC #6 - N Hampton Rd Regional Hispanic Contractors Assoc		80,000	80,000		80,000
	• BAC #7 - W Illinois Ave Regional Hispanic Contractors Assoc		80,000	80,000		80,000
	• BAC #8 - Record Ave Business & Community Lenders of Texas		80,000	80,000		80,000
	<b>Total CDBG - Economic Development</b>		<b>1,240,000</b>	<b>1,240,000</b>	<b>0</b>	<b>1,240,000</b>
	<b>CDBG - Public Improvements</b>					
25	<b>Neighborhood Enhancement Program (NEP) -</b> Provide toolbox of neighborhood improvements to increase aesthetic appeal and complement community development efforts in Neighborhood Investment and other strategically targeted areas.	1-8	25,000	25,000		25,000
26	<b>Neighborhood Investment Program Infrastructure (NIP) -</b> Provide infrastructure improvements related to architectural and engineering design in the 5 NIP target areas.	1-8	1,249,616	1,249,616		1,249,616
27	<b>Neighborhood Investment Program (NIP) and Neighborhood Enhancement Program (NEP) Project Delivery -</b> Provide direct services for projects located in NIP and other strategically targeted areas.	1-8	473,541	274,962		274,962
	<b>Total CDBG - Public Improvement</b>		<b>1,748,157</b>	<b>1,549,578</b>	<b>0</b>	<b>1,549,578</b>

\*CW=City Wide

**FY 2015-16 CONSOLIDATED PLAN FOR  
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**Attachment A**

Project Name	CD	FY 2014-15 Amended Budget	FY 2015-16 City Manager's Proposed Budget	CDC Proposed Amendments as of 4/2/2015 +/-	FY 2015-16 Proposed Budget
<b>CDBG - Fair Housing and Planning &amp; Program Oversight</b>					
28 <b>Fair Housing Enforcement</b> - Provide housing discrimination investigations, fair housing education and outreach and citizen referrals.	CW	627,714	633,053		633,053
29 <b>Citizen Participation/CDC Support/HUD Oversight</b> - Office of Financial Services/Community Development Division. Provide coordination of ConPlan budget development, citizen participation, and reporting to HUD as primary City liaison.	CW	649,774	673,984		673,984
30 <b>Housing Management Support</b> - Provide funding for Housing management staff support for housing programs.	CW	1,160,780	1,160,780		1,160,780
31 <b>Economic Development Oversight</b> - Provide contract administration; compliance and oversight of CDBG funded programs.	CW	258,853	198,084		198,084
32 <b>Parks and Recreation Oversight</b> - This position assists the Contract Compliance Manager with the review of all PKR Public Service programs and contracts for compliance with HUD guidelines.	CW	97,378	105,648		105,648
<b>Total CDBG - Fair Housing and Planning &amp; Program Oversight</b>		<b>2,794,499</b>	<b>2,771,549</b>	<b>0</b>	<b>2,771,549</b>
<b>TOTAL COMMUNITY DEVELOPMENT BLOCK GRANT</b>		<b>15,915,387</b>	<b>15,867,751</b>	<b>0</b>	<b>15,867,751</b>
<b>HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME)</b>					
33 <b>CHDO Development Loans</b> - Development and pre-development loans to nonprofit City-certified CHDOs developing affordable housing for low income households. (15% minimum)	CW	1,000,000	1,000,000		1,000,000
34 <b>CHDO Operating Assistance</b> - Provide operational support to assist with the development and management of CHDO projects. (5% maximum)	CW	175,000	175,000		175,000
35 <b>HOME Program Administration</b> - Housing department staff administrative costs. (10% maximum)	CW	386,582	395,662		395,662
36 <b>Mortgage Assistance Program</b> - Provide no interest, deferred payment loans for down-payment, principal reduction and closing cost assistance up to a maximum of \$20,000.	CW	957,158	957,158		957,158
37 <b>Housing Development Loan Program</b> - Provide private and non-profit organizations with loans/grants for the development of permanent supportive housing and senior housing, including but not limited to pre-development costs, development costs, construction subsidies, relocation costs, demolition costs, acquisition costs, related acquisition costs, rental rehabilitation.	CW	1,977,078	1,348,807		1,348,807
<b>Home Ownership Opportunities Sub-Total</b>		<b>4,495,818</b>	<b>3,876,627</b>	<b>0</b>	<b>3,876,627</b>
38 <b>Tenant Based Rental Assistance</b> - Provide transitional rental assistance to homeless persons for a minimum of one year while they become stabilized.	CW	270,000	130,000		130,000
39 <b>Tenant Based Rental Assistance (Admin)</b> - Provide comprehensive management, oversight and technical assistance.	CW	50,000	0		0
<b>Other Housing Sub-Total</b>		<b>320,000</b>	<b>130,000</b>	<b>0</b>	<b>130,000</b>
<b>TOTAL HOME INVESTMENT PARTNERSHIP PROGRAM</b>		<b>4,815,818</b>	<b>4,006,627</b>	<b>0</b>	<b>4,006,627</b>

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**FY 2015-16 CONSOLIDATED PLAN FOR  
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**Attachment A**

Project Name	CD	FY 2014-15 Amended Budget	FY 2015-16 City Manager's Proposed Budget	CDC Proposed Amendments as of 4/2/2015 +/-	FY 2015-16 Proposed Budget
<b>EMERGENCY SOLUTIONS GRANT (ESG)</b>					
40 <b>Contracts - Essential Services</b> - Provide direct services to the homeless to address employment (job placement and training), child care, substance abuse treatment and health prevention services.	CW	57,737	57,737		57,737
41 <b>Contracts - Operations</b> - Provide payment of operational costs for shelters or transitional housing facilities for homeless persons.	CW	92,430	92,430		92,430
42 <b>Homeless Assistance Center - Essential Services</b> - Provide case management services to assist clients in obtaining federal, state and local assistance.	CW	128,005	148,005		148,005
43 <b>Homeless Assistance Center - Operations</b> - Provide payment of utilities and other operating costs for the Homeless Assistance Center.	CW	378,279	378,279		378,279
<b>Essential Services/Operations Sub-Total</b>		<b>656,451</b>	<b>676,451</b>	<b>0</b>	<b>676,451</b>
44 <b>Homeless Prevention - Financial Assistance/Rent (MLK)</b> - Provide short-term (3 months) and medium-term (4 - 24 months) rental assistance; utilities assistance; moving costs, etc. to persons at-risk of homelessness and meet income limits below 30% of the area median income.	CW	30,000	40,000		40,000
45 <b>Homeless Prevention - Financial Assistance/Rent (WDMC)</b> - Provide short-term (3 months) and medium-term (4 - 24 months) rental assistance; utilities assistance; moving costs, etc. to persons at-risk of homelessness and meet income limits below 30% of the area median income.	CW	30,000	40,000		40,000
<b>Homeless Prevention Sub-Total</b>		<b>60,000</b>	<b>80,000</b>	<b>0</b>	<b>80,000</b>
46 <b>Rapid Re-Housing – Financial Assistance</b> - Provide assistance with application fees, deposits, and rental arrears up to six months for persons who are homeless.	CW	11,000	11,000		11,000
47 <b>Rapid Re-Housing - Housing Relocation &amp; Stabilization</b> - Provide case management, housing search and placement, legal services, credit repair to homeless persons in permanent housing programs.	CW	253,308	281,452		281,452
<b>Rapid Re-Housing Sub-Total</b>		<b>264,308</b>	<b>292,452</b>	<b>0</b>	<b>292,452</b>
48 <b>HMIS Data Collection</b> - Provide client-level data collection for persons served by the grant, as well as training, generating reports, monitoring and reviewing data quality.	CW	65,367	70,168		70,168
<b>HMIS Data Collection Sub-Total</b>		<b>65,367</b>	<b>70,168</b>	<b>0</b>	<b>70,168</b>
49 <b>ESG Administration</b> - Monitor and evaluate contracts and other program activities.	CW	84,820	90,735		90,735
<b>Program Administration Sub-Total</b>		<b>84,820</b>	<b>90,735</b>	<b>0</b>	<b>90,735</b>
<b>TOTAL EMERGENCY SOLUTIONS GRANT</b>		<b>1,130,946</b>	<b>1,209,806</b>	<b>0</b>	<b>1,209,806</b>

\*CW=City Wide

**FY 2015-16 CONSOLIDATED PLAN FOR  
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**Attachment A**

Project Name	CD	FY 2014-15 Amended Budget	FY 2015-16 City Manager's Proposed Budget	CDC Proposed Amendments as of 4/2/2015 +/-	FY 2015-16 Proposed Budget
<b>HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA)</b>					
50 <b>Emergency/Tenant Based Rental Assistance/Financial Assistance</b> - Provide long-term and transitional rental assistance to persons with HIV/AIDS and their families who live in the Dallas Eligible Metropolitan Statistical Area (EMSA).	CW	2,000,000	2,291,723		2,291,723
51 <b>Emergency/Tenant Based Rental Assistance/Housing Services</b> - Provide long-term and transitional rental assistance to persons with HIV/AIDS and their families who live in the Dallas EMSA.	CW	485,000	557,000		557,000
52 <b>Housing Facilities Operation</b> - Provide housing operation costs, including lease, maintenance, utilities, insurance and furnishings for facilities that provide assistance to persons with HIV/AIDS and their families who live in the Dallas EMSA.	CW	810,894	850,900		850,900
53 <b>Supportive Services</b> - Provide supportive services, information and referral, and outreach in conjunction with housing assistance to persons with HIV/AIDS and their families who live in the Dallas EMSA, including hospice/respice care for affected children.	CW	1,315,162	1,355,170		1,355,170
54 <b>Housing Facilities Rehab/Repair/Acquisition</b> - Provides rehabilitation/repair or acquisition funds for facilities that provide housing to persons with HIV/AIDS and their families who live in the EMSA.	CW	200,000	0		0
55 <b>Housing Information/Resource Identification</b> - Provide Housing Information Services (including housing counseling, housing advocacy, information and referral services, fair housing information, and housing search and assistance) and Resource Identification (including costs to develop housing assistance resources, outreach and relationship-building with landlords, costs involved in creating brochures, web resources, and time to locate and identify affordable housing vacancies).	CW	124,859	124,860		124,860
<b>Other Public Services Sub-Total</b>		<b>4,935,915</b>	<b>5,179,653</b>	<b>0</b>	<b>5,179,653</b>
56 <b>Program Administration/City of Dallas</b> - Provide administrative oversight, evaluation and technical assistance for grant funds and program activities.	CW	161,257	169,121		169,121
57 <b>Program Administration/Project Sponsors</b> - Provide administrative costs for project sponsors in oversight and evaluation of program activities.	CW	278,082	288,600		288,600
<b>Program Administration Sub-Total</b>		<b>439,339</b>	<b>457,721</b>	<b>0</b>	<b>457,721</b>
<b>TOTAL HOUSING OPPORTUNITIES FOR PERSONS W/ AIDS</b>		<b>5,375,254</b>	<b>5,637,374</b>	<b>0</b>	<b>5,637,374</b>
<b>GRAND TOTAL CONSOLIDATED PLAN BUDGET</b>		<b>\$27,237,405</b>	<b>\$26,721,558</b>	<b>0</b>	<b>\$26,721,558</b>

\*CW=City Wide

**KEY FOCUS AREA:** Public Safety  
**AGENDA DATE:** April 22, 2015  
**COUNCIL DISTRICT(S):** All  
**DEPARTMENT:** Police  
**CMO:** Eric Campbell, 670-3255  
**MAPSCO:** N/A

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**SUBJECT**

Authorize an application for the Commercial Auto Theft Interdiction Squad/23 grant from the Texas Automobile Burglary & Theft Prevention Authority in the amount of \$796,983 to provide a specialized proactive automobile burglary and theft program, for the period September 1, 2015 through August 31, 2016; a local match and an in-kind contribution will be provided as required by the Dallas Police Department if grant is awarded - Financing: This action has no cost consideration to the City (see Fiscal Information for potential future cost)

**BACKGROUND**

The grant application process for the Texas Automobile Burglary & Theft Prevention Authority (ABTPA) has changed. The process now requires approval from City Council before it can be submitted to the grantor. The Dallas Police Department will submit a grant application no later than May 13, 2015, to ABTPA. The Commercial Auto Theft Interdiction Squad (CATIS) grant funds a specialized proactive investigative unit comprised of one Sergeant, five Senior Corporals, and one Office Assistant, currently housed at the City's Auto Theft Salvage Unit of the Dallas Police Department and one Police Research Specialist, along with one Sergeant housed at the Jack Evans Police Headquarters. The grant funds primarily personnel, along with some equipment, supplies, and training. CATIS will continue to target commercial auto theft offenders who profit from vehicles stolen each year in Dallas, including salvage yards, chop shops, wrecker services, used car dealers, and large organized auto theft rings.

The Texas Automobile Burglary Theft & Prevention Authority specifically requires governing body approval for the acceptance of the grant. If approved, this grant will require matching cash funds of \$159,416.00 and will be incorporated into the FY2015-2016 General Fund Budget.

## **BACKGROUND (Continued)**

In-kind contributions in the amount of \$385,468.00 have been identified in the form of salaried officers assigned to this unit. The in-kind match is made up of the following components: four detective officers at 75 to 100% percent of their time working on CATIS grant activities. In addition, the CATIS grant provides funding for one administrative sergeant, one operations sergeant, five to six of senior corporals, one office assistant, and one police research specialist. With the acceptance of this grant the provision of the cash match and the in-kind contribution will be required for the execution of this grant.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Authorized application for Commercial Auto Theft Interdiction Squad/10 grant on May 22, 2002, by Resolution No. 02-1623.

Authorized acceptance of Commercial Auto Theft Interdiction Squad/10 grant on August 14, 2002, by Resolution No. 02-2247.

Authorized application for Commercial Auto Theft Interdiction Squad/11 grant on May 14, 2003, by Resolution No. 03-1381.

Authorized acceptance of Commercial Auto Theft Interdiction Squad/11 grant on August 27, 2003, by Resolution No. 03-2316.

Authorized application for Commercial Auto Theft Interdiction Squad/12 grant on May 26, 2004, by Resolution No. 04-1731.

Authorized acceptance of Commercial Auto Theft Interdiction Squad/12 grant on August 25, 2004, by Resolution No. 04-2438.

Authorized application for Commercial Auto Theft Interdiction Squad/13 grant on May 11, 2005, by Resolution No. 05-1476.

Authorized acceptance of Commercial Auto Theft Interdiction Squad/13 grant on August 10, 2005, by Resolution No. 05-2209.

Authorized application for Commercial Auto Theft Interdiction Squad/14 grant on April 26, 2006, by Resolution No. 06-1218.

Authorized acceptance of Commercial Auto Theft Interdiction Squad/14 grant on August 23, 2006, by Resolution No. 06-2235.

Authorized application for Commercial Auto Theft Interdiction Squad/15 grant on April 25, 2007, by Resolution No. 07-1293.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS (Continued))**

Authorized a revised application for Commercial Auto Theft Interdiction Squad/15 grant on June 27, 2007, by Resolution No. 07-1979.

Authorized acceptance of Commercial Auto Theft Interdiction Squad/15 grant on August 8, 2007, by Resolution No. 07-2182.

Authorized application for Commercial Auto Theft Interdiction Squad/16 grant on April 23, 2008, by Resolution No. 08-1277.

Authorized acceptance of Commercial Auto Theft Interdiction Squad/16 grant on August 27, 2008, by Resolution No. 08-2265.

Authorized application for Commercial Auto Theft Interdiction Squad/17 grant on April 22, 2009, by Resolution No. 09-1071.

Authorized acceptance of Commercial Auto Theft Interdiction Squad/17 grant on August 26, 2009, by Resolution No. 09-2093.

Authorized application for Commercial Auto Theft Interdiction Squad/18 grant on May 12, 2010, by Resolution No. 10-1209.

Authorized acceptance of Commercial Auto Theft Interdiction Squad/18 grant on August 25, 2010, by Resolution No. 10-2135.

Authorized application for Commercial Auto Theft Interdiction Squad/19 grant on April 27, 2011, by Resolution No. 11-1126.

Authorized acceptance of Commercial Auto Theft Interdiction Squad/19 grant on September 14, 2011, by Resolution No. 11-2406.

Authorized acceptance of Commercial Auto Theft Interdiction Squad/20 grant on August 22, 2012, by Resolution No. 12-2097.

Authorized acceptance of Commercial Auto Theft Interdiction Squad/21 grant on August 28, 2013, by Resolution No. 13-1446.

Authorized application and acceptance for Commercial Auto Theft Interdiction Squad/22 grant on September 10, 2014, by Resolution No. 14-1466.

Briefed to the Public Safety Committee on April 13, 2015.

## **FISCAL INFORMATION**

This action has no cost consideration to the City. If the grant application is approved, the grant requires a cash match and an in-kind contribution on behalf of the City.

\$796,983.00 - Texas Automobile Burglary & Theft Prevention Authority Grant Funds

\$159,416.00 - Current Funds (subject to appropriations)

\$385,468.00 - In-Kind Contributions

April 22, 2015

**WHEREAS**, the Texas Automobile Burglary & Theft Prevention Authority (ABTPA) has made funds available for law enforcement projects during the 2015-16 fiscal year; and

**WHEREAS**, the increased funding source would benefit the City of Dallas in its endeavor to reduce crime; and

**WHEREAS**, it is in the best interest of the City of Dallas to apply for such funding; and

**WHEREAS**, under the provisions of the Texas Revised Civil Statutes Article 4413(37) and Texas Administrative Code Title 43; Chapter 57, entities are eligible to receive grants from the Automobile Burglary and Theft Prevention Authority to provide financial support to law enforcement agencies for economic automobile theft enforcement teams and to combat automobile burglary in the jurisdiction; and

**WHEREAS**, this grant will assist this jurisdiction to combat automobile burglary and theft; and

**WHEREAS**, City of Dallas has agreed that in the event of loss or misuse of the grant funds, City of Dallas assures that the grant will be returned in full to the Automobile Burglary and Theft Prevention Authority.

**NOW, THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**Section 1.** That the City Manager is hereby authorized to apply for the Commercial Auto Theft Interdiction Squad/23 grant to provide a specialized proactive automobile burglary and theft program for the period September 1, 2015 through August 31, 2016, and to provide all necessary documents required for this grant in the amount of \$796,983 from the Texas Automobile Burglary & Theft Prevention Authority.

**Section 2.** That in the event the grant is awarded, the City Manager is authorized to provide the required cash match in the amount not to exceed \$159,416.00 (subject to appropriations). An in-kind contribution in the amount of \$385,468.00 has been identified in the Dallas Police Department. City Council approval for the acceptance of the grant, provision of cash match, provision of in-kind contribution, and execution of the grant agreement will be required.

**Section 3.** That in the event the grant is awarded, the City of Dallas assures that the funds will be returned to the Texas Automobile Burglary & Theft Prevention Authority in full in the event of loss or misuse of funds.

**Section 4.** That the Lieutenant of Police is designated as the Program Director, and the Assistant City Manager is the Financial Officer for this grant.

April 22, 2015

**Section 5.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**Schedule A**  
**Commercial Auto Theft Interdiction Squad Grant**

<u>Object</u>	<u>Description</u>	<u>Grant Award</u> <u>Amount</u>	<u>Cash</u>	<u>In-Kind</u>
			<u>Match</u> <u>0001/2161</u>	<u>0001/2161</u>
1101	Salaries, Civilian - Transfer Office Assistant II (D) Transfer Police Research Specialist (\$38,906+ \$41,032)	79,938		
1102	Salaries, Uniform - Transfer 5 existing positions, including 2 Sergeants from Unit 1499	\$668,865		
1202	Overtime, Uniform			
1301	Pension, Civilian	-		
1302	Pension, Sworn		159,416	
1304	Health Insurance			
1306	FICA/Medicare	-		
2183	Fuel Expenses			
3051	Total Equipment Charges , Copy Machine Rental, Lease Maintenance, phones, air cards and radios.	\$38,680		
3361	Professional Development (Travel)registration fees	\$9,500		
	<b>Grant Total</b>	<b>\$796,983</b>	<b>\$159,416</b>	<b>\$385,468</b>
	<b>Program Total</b>	<b>\$956,399</b>	<b>\$159,416</b>	<b>\$385,468</b>



**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** April 22, 2015

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Public Works Department  
Aviation

**CMO:** Jill A. Jordan, P.E., 670-5299  
Ryan S. Evans, 671-9837

**MAPSCO:** 23Z; 24W; 33D, H; 34A, E

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**SUBJECT**

Authorize an engineering services contract with HNTB Corporation for design services necessary for the Runway 18-36 Conversion Project at Dallas Love Field - Not to exceed \$236,929 - Financing: Aviation Capital Construction Funds

**BACKGROUND**

This item is submitted as an addendum item based upon the fact that this is an enabling project for future Capital Improvement Projects that were submitted to the Federal Aviation Administration (FAA) in April 2014 as part of the Department of Aviation's 5-year CIP plan. Deferral of this project will adversely impact FY 16 Capital Projects. The City needs this work completed in order to begin the garage construction at Love Field. This action will authorize an engineering services contract with HNTB Corporation to provide design services necessary to convert Runway 18-36 into a taxiway.

The first phase of this multi-phased contract will be the design phase. The consultant will develop schematics, define key milestones, and assist in FAA coordination, which will define the program moving forward. Future phases will include design development, construction documents, and bidding as identified in the design phase.

This project consists of converting the existing 150' wide runway to a 75' wide taxiway. The first component to converting the runway will be a Part 139 marking/signage plan that will be submitted to the FAA for their approval. The conversion will also require changing the airfield lighting, markings, signage, reconfiguration of intersections, and abandonment of pavement sections.



**PROPOSAL INFORMATION** (Continued)

<b><u>Proposer</u></b>	<b><u>Rank</u></b>
HNTB Corporation	1
Kimley Horn and Associates, Inc.	2
Huitt-Zollars, Inc.	3

The proposals were evaluated according to the criteria published in the Request for Qualifications and the Request for Proposals. The criteria with respective weights are as follows:

Criteria 1 - Qualifications to undertake this project	25 points
Criteria 2 - Key Personnel	30 points
Criteria 3 - Understanding and Approach	15 points
Criteria 4 - Schedules and Budgets	15 points
Criteria 5 - Past performance and history of complying with DBE goals	15 points

**OWNER**

**HNTB Corporation**

Kevin L. Wallace, P.E., Vice President

**MAP**

Attached.

## **BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY**

**PROJECT:** Authorize an engineering services contract with HNTB Corporation for design services necessary for the Runway 18-36 Conversion Project at Dallas Love Field - Not to exceed \$236,929 - Financing: Aviation Capital Construction Funds

HNTB Corporation is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

**PROJECT CATEGORY:** Architecture & Engineering

### LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$206,843.00	87.30%
Total non-local contracts	\$30,086.00	12.70%
<b>TOTAL CONTRACT</b>	<b>\$236,929.00</b>	<b>100.00%</b>

### LOCAL/NON-LOCAL M/WBE PARTICIPATION

#### Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
ARS Engineering	IMDB62909Y0615	\$11,877.00	5.74%
Dallas Aerial Survey	WFDB20674N0715	\$23,000.00	11.12%
<b>Total Minority - Local</b>		<b>\$34,877.00</b>	<b>16.86%</b>

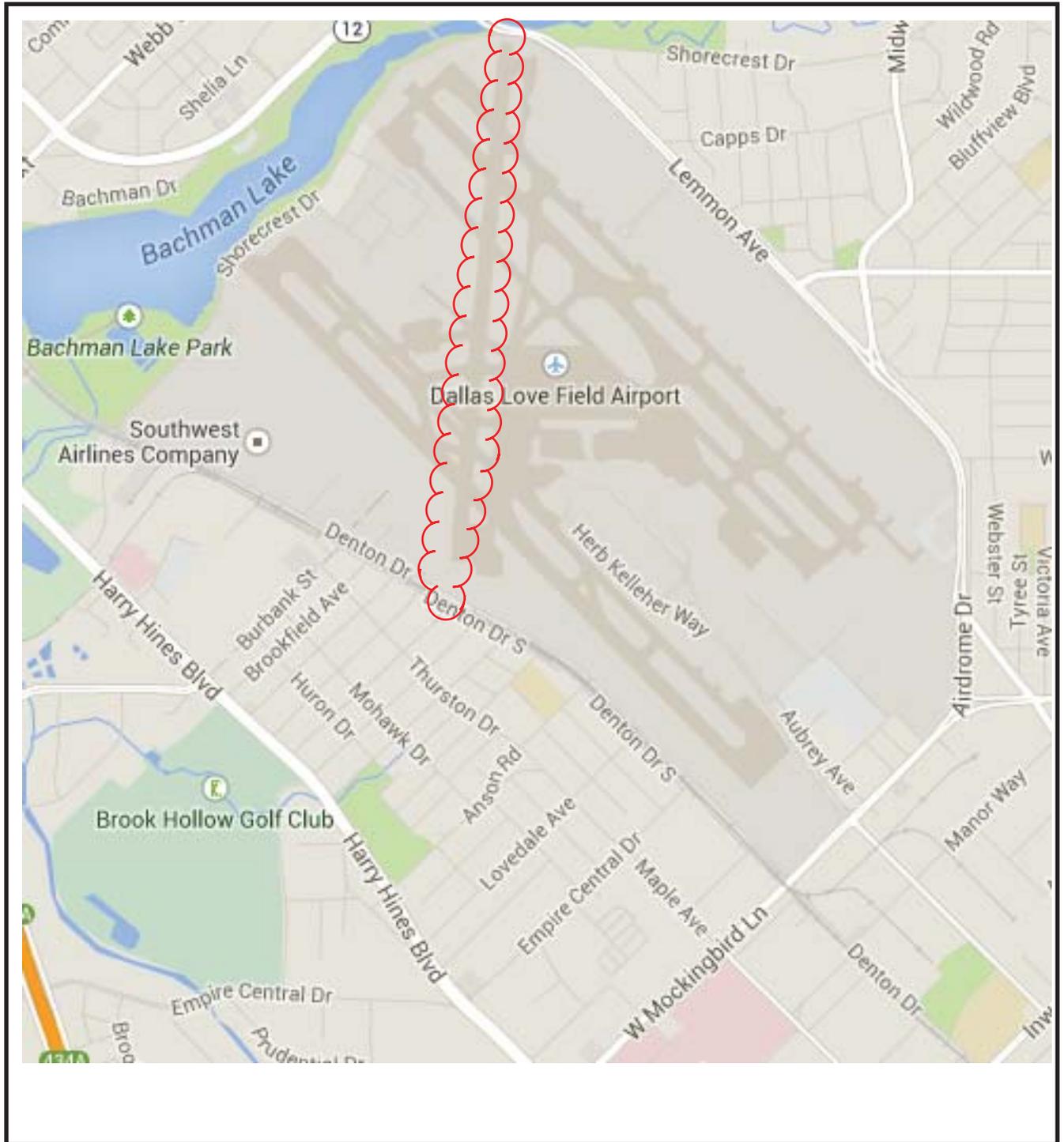
#### Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Aviation Alliance	WFDB61674Y0515	\$25,901.00	86.09%
Williams CM Group LLC DBE	WFDB62387Y0615	\$4,185.00	13.91%
<b>Total Minority - Non-local</b>		<b>\$30,086.00</b>	<b>100.00%</b>

### TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local &amp; Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$11,877.00	5.74%	\$11,877.00	5.01%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$23,000.00	11.12%	\$53,086.00	22.41%
<b>Total</b>	<b>\$34,877.00</b>	<b>16.86%</b>	<b>\$64,963.00</b>	<b>27.42%</b>

# Runway 18-36 Conversion Project at Love Field



Mapsc0 23Z; 24W; 33D, H; 34A, E



April 22, 2015

**WHEREAS**, Runway 18/36 does not meet Federal Aviation Administration (FAA) standards for Runway Safety Areas or for visual approach slope indicator lights; and,

**WHEREAS**, the Department of Aviation has determined that decommissioning the runway is more prudent than correcting the deficiencies; and,

**WHEREAS**, a solicitation was developed and publically advertised; and,

**WHEREAS**, eight firms submitted Statements of Qualifications and the Selection Committee evaluated the Statements, ranked the firms based upon the published criteria and shortlisted the three highest ranked firms; and,

**WHEREAS**, a proposal request was issued to the shortlisted firms; and,

**WHEREAS**, three firms submitted proposals to provide Engineering Services for the Runway 18-36 Conversion Project at Dallas Love Field Airport; and,

**WHEREAS**, HNTB Corporation was selected as the most qualified proposer of the three proposers as a result of a qualifications-based selection process, in accordance with City of Dallas procurement guidelines; and,

**WHEREAS**, it is now necessary to authorize a contract with HNTB Corporation to provide Engineering Services for the Runway 18-36 Conversion Project at Dallas Love Field Airport, in an amount not to exceed \$236,929.00.

**Now, Therefore,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**Section 1.** That the City Manager is hereby authorized to execute a contract with HNTB Corporation to provide Engineering Services for the Runway 18-36 Conversion Project at Dallas Love Field, in an amount not to exceed \$236,929.00, after it has been approved as to form by the City Attorney.

**Section 2.** That the City will apply for Passenger Facility Charge (PFC) funding at a later date for the eligible design (\$236,929) and administration costs (\$50,000) of the Runway 18-36 Conversion Project; and upon approval of the PFC for these projects, the Chief Financial Officer is hereby authorized to transfer an amount not to exceed (\$286,929) from the PFC Fund 0477, Dept. AVI, Balance Sheet Account 0001 to the Aviation Capital Construction Fund 0131, Dept. AVI, Balance Sheet Account 0001. The transfer of cash is contingent upon the approval of Passenger Facility Charge (PFC) Funds by the Federal Aviation Administration.

April 22, 2015

**Section 3.** That the City Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$236,929.00 to be paid to HNTB Corporation in accordance with the terms and conditions of the contract:

Aviation Capital Construction Fund  
Fund 0131, Department AVI, Unit P935, Act. AAIP, Comm. 92500  
Object 4111, Program #AVP935, CT AVIHNTBP935FY15  
Vendor #352433, in an amount not to exceed \$236,929.00

**Section 4.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** April 22, 2015

**COUNCIL DISTRICT(S):** 14

**DEPARTMENT:** Public Works Department  
Street Services

**CMO:** Jill A. Jordan, P.E., 670-5299  
Mark McDaniel, 670-3256

**MAPSCO:** 35 M 36 J

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**SUBJECT**

Authorize an Interlocal Agreement with and payment to the Town of Highland Park for the City's share of project costs for the reconstruction of approximately 65-feet of deteriorated pavement on Mockingbird Lane east of the city limits - Not to exceed \$40,327 - Financing: Current Funds

**BACKGROUND**

This item is being brought to Council as an addendum item because the Town of Highland Park needs the City of Dallas' authorization prior to their Town Council's approval on April 27, 2015, for a change order to include the improvements within the City of Dallas.

The Town of Highland Park initiated a project to improve Mockingbird Lane at Airline Road that is adjacent to the city limits. The existing pavement from Airline Road to approximately 65- feet within the City of Dallas is deteriorated and desperately needs to be replaced. Both the Town of Highland Park and the City of Dallas desire and agree to extend the project limit to include the reconstruction of 65-feet of deteriorated pavement on Mockingbird Lane within the City of Dallas. The City of Dallas' share of cost is estimated at \$40,326.80. This action will authorize an Interlocal Agreement for the improvements and payment to the Town of Highland Park for the City's share of project costs.

The scope of the improvements in the Town of Highland Park includes removal and replacement of the existing pavement, installation of brick crosswalks, sidewalks, handicap ramps, pavement markings and signs, traffic signals, a new turning lane, and associated materials testing. The extended improvements within the City of Dallas will include the removal and replacement of the existing pavement, additional traffic control, and any necessary restoration.

**BACKGROUND** (Continued)

The Town of Highland Park will add the improvements within the City of Dallas into their current Mockingbird Lane Improvements construction contract as a change order. The construction is estimated to begin in April 2015 and complete in August 2015.

**ESTIMATED SCHEDULE OF PROJECT**

Begin Construction	April 2015
Complete Construction	August 2015

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

This item has no prior action.

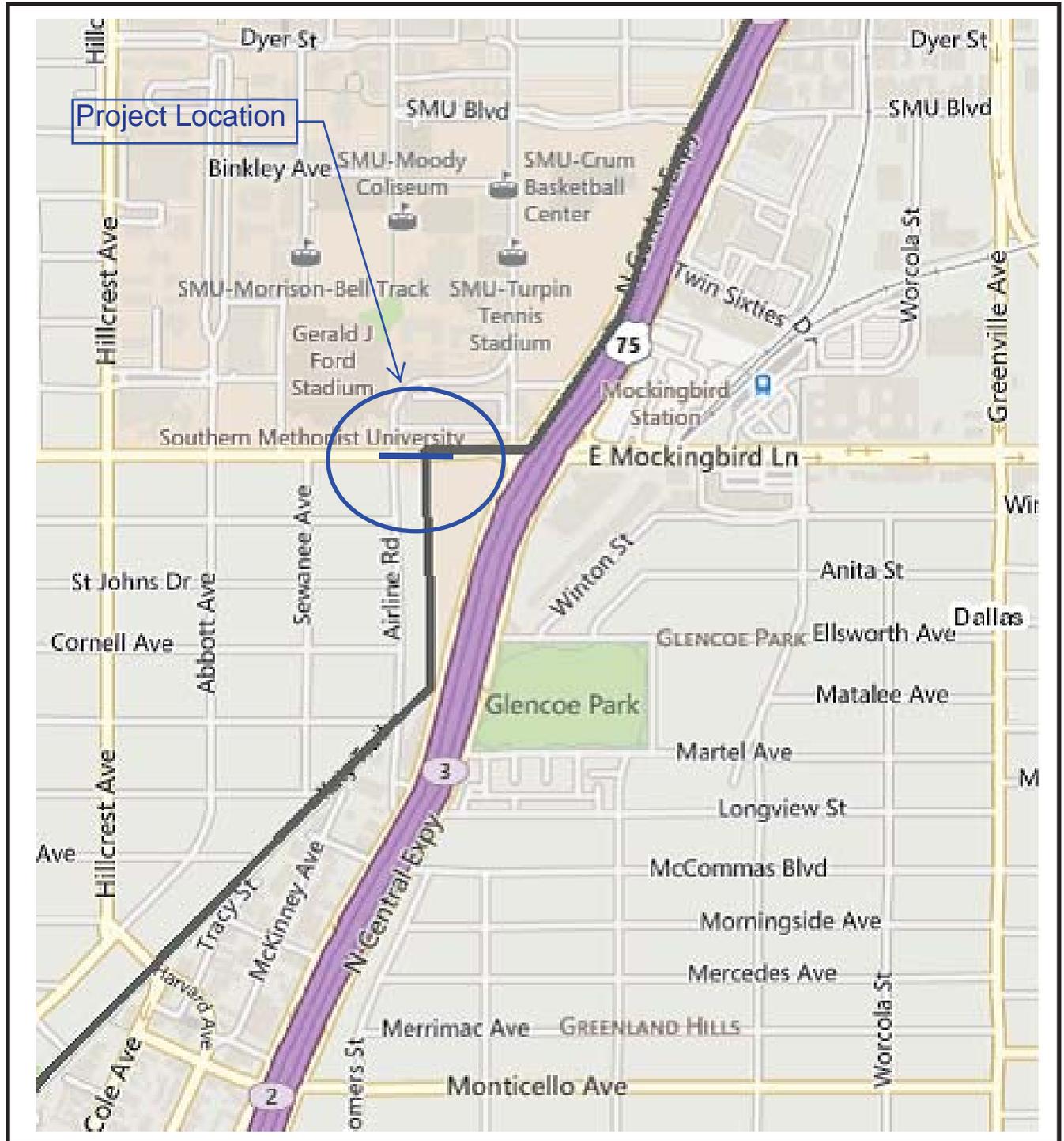
**FISCAL INFORMATION**

Current Funds - \$40,326.80

**MAP**

Attached.

# Mockingbird Lane Improvements Near Airline Road



Mapsco 35 M, 36 J

April 22, 2015

**WHEREAS**, the Town of Highland Park initiated a project to improve Mockingbird Lane at Airline Road that is adjacent to the city limits; and,

**WHEREAS**, the existing pavement from Airline Road to approximately 65-feet within the City of Dallas is deteriorated and desperately needs to be replaced; and,

**WHEREAS**, both the Town of Highland Park and the City of Dallas desire and agree to extend the project limit to include the reconstruction of approximately 65-feet of deteriorated pavement on Mockingbird Lane within the City of Dallas; and,

**WHEREAS**, it is now necessary to authorize an Interlocal Agreement with, and payment to the Town of Highland Park for the City's share of project costs in an amount not to exceed \$40,326.80 for the reconstruction of approximately 65-feet of deteriorated pavement on Mockingbird Lane east of the city limits.

**Now, Therefore,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**Section 1.** That the City Manager is hereby authorized to execute an Interlocal Agreement with, and payment to the Town of Highland Park for the City's share of project costs in an amount not to exceed \$40,326.80 for the reconstruction of approximately 65-feet of deteriorated pavement on Mockingbird Lane east of the city limits, after it has been approved as to form by the City Attorney.

**Section 2.** That the Chief Financial Officer is hereby authorized to disburse funds in accordance with the terms and conditions of the agreement from:

Current Funds	
Fund 0001, Dept STS, Unit 3432, Act. SREC	
Obj. 4510, Program #PBCUR018 CT PBWCUR018G1	
Vendor #257577, in an amount not to exceed	\$40,326.80

**Section 3.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** April 22, 2015  
**COUNCIL DISTRICT(S):** 2  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Ryan S. Evans, 671-9837  
**MAPSCO:** 45Q

---

**SUBJECT**

An ordinance abandoning a portion of Harwood Street to DF Market 2, LLC, the abutting owner, containing a total of 800 square feet of land, located near the intersection of Harwood and Taylor Streets, and authorizing the quitclaim - Revenue: \$5,400, plus the \$20 ordinance publication fee

**BACKGROUND**

This item is on the addendum because the final authorized survey was not received by the posted deadline. This item authorizes the abandonment of a portion of Harwood Street to DF Market 2, LLC, the abutting owner. The area will be included with the property of the abutting owner for the use of an existing grease trap. The abandonment fee is based on an independent appraisal.

Notices were sent to 16 property owners located within 300 feet of the proposed abandonment area. There were no responses received in opposition to this request.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

This item has no prior action.

**FISCAL INFORMATION**

Revenue: \$5,400, plus the \$20 ordinance publication fee

**OWNER**

**DF Market 2, LLC**

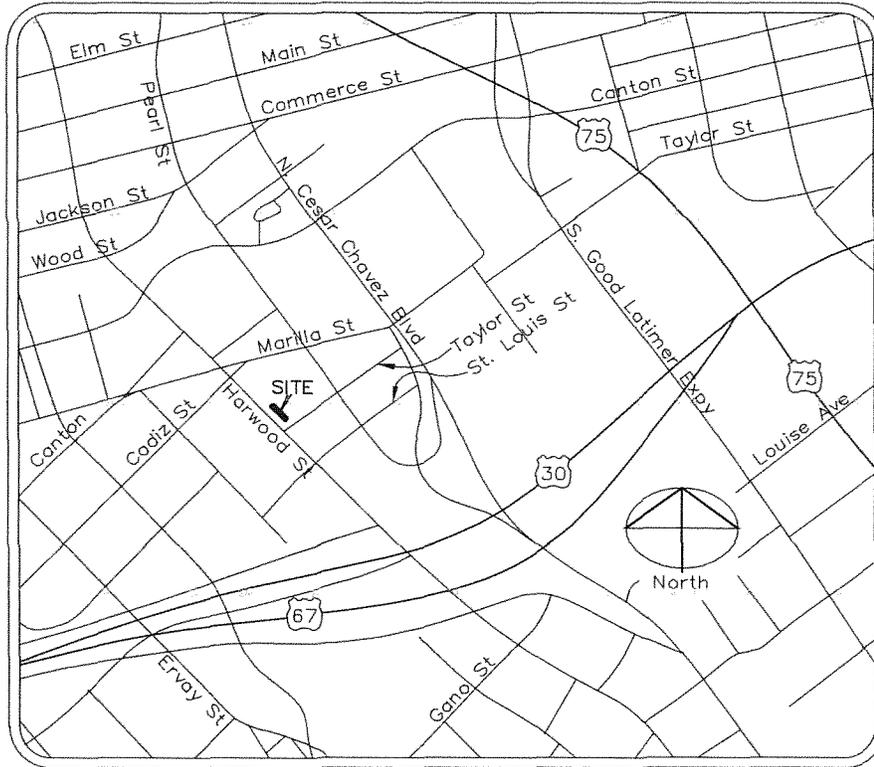
Brian Bergersen, President

**MAP**

Attached

EXHIBIT  
EXISTING GREASE TRAPS (HARWOOD)  
FARMERS MARKET  
DALLAS, TEXAS

VICINITY MAP  
nts





**ORDINANCE NO. \_\_\_\_\_**

An ordinance providing for the abandonment of a portion of Harwood Street located adjacent to City Block 132 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to DF Market 2, LLC; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; providing for the waiver of certain provisions of the Dallas City Code; providing a future effective date for this abandonment; and providing an effective date for this ordinance.

**ooo0ooo**

**WHEREAS**, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of DF Market 2, LLC, a Texas limited liability company, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said portion of Harwood Street is not needed for public use, and same should be abandoned and quitclaimed to **GRANTEE**, as hereinafter stated; and

**WHEREAS**, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the public will be served by abandoning and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth. **Now, Therefore,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**SECTION 1.** That those certain provisions of Section 2-26.2(c) of the Dallas City Code regarding the appraisal valuation date, to the extent not required by state law or City Charter, are hereby waived with respect to this ordinance.

**SECTION 2.** That the tract of land described in Exhibit A, which is attached hereto and made a part hereof for all purposes, be and the same is abandoned, vacated and closed insofar as the right, title and interest of the public are concerned; subject, however, to the conditions and future effective date hereinafter more fully set out.

**SECTION 3.** That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 DOLLARS (\$5,400.00)** paid by **GRANTEE**, and the further consideration described in Sections 9, 10, 11 and 12, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all of its right, title and interest in and to the certain tract of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

**SECTION 4.** That upon payment of the monetary consideration set forth in Section 3, **GRANTEE** accepts the terms, provisions, future effective date and conditions of this ordinance.

**SECTION 5.** That the Chief Financial Officer is authorized to deposit the sum paid by **GRANTEE** pursuant to Section 3 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction-Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 8416.

**SECTION 6.** That the abandonment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise, and are further subject to the conditions contained in Exhibit B, which is attached hereto and made a part hereof for all purposes.

**SECTION 7.** That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

**SECTION 8.** That the abandonment and quitclaim provided for herein shall extend only to the public right, title, easement and interest, and shall be construed to extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon and vacate.

**SECTION 9.** That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the areas described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the areas set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the areas described in Exhibit A, which **GRANTEE**, its successors and assigns, agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the areas set out in Exhibit A. **GRANTEE**, its successors and assigns, hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery

Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any “chemical substance” under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

**SECTION 10.** That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall apply for and successfully obtain an amendment to the Thoroughfare Plan/CBD Streets and Vehicular Circulation Plan in accordance with the Dallas Development Code, as amended with regards to Pearl Expressway located adjacent to the area described in Exhibit A, before the effectiveness of this abandonment.

**SECTION 11.** That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall file a final replat of the adjoining properties prior to the issuance of any building permits affecting the tract of land abandoned and quitclaimed herein. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned area is located after its approval by the City Plan Commission of the City of Dallas.

**SECTION 12.** That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, immediately upon the effectiveness of this abandonment, close, barricade and/or place signs in the area described in Exhibit A in accordance with detailed plans approved by the Director of Department of Sustainable Development and Construction. **GRANTEE's** responsibility for keeping the area described in Exhibit A closed, barricaded and/or the signs in place shall continue until the street improvements and intersection returns are removed by **GRANTEE**, its successors and assigns, to the satisfaction of the Director of Department of Sustainable Development and Construction.

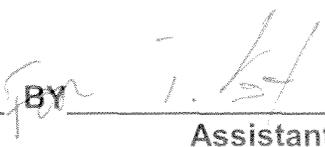
**SECTION 13.** That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment area is located, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee.

Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee: (i) shall deliver to **GRANTEE** a certified copy of this ordinance, and (ii) is authorized to and shall prepare and deliver a **QUITCLAIM DEED** with regard to the area abandoned herein, to **GRANTEE** hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

**SECTION 14.** That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

**APPROVED AS TO FORM:**  
**WARREN M. S. ERNST**  
City Attorney

**DAVID COSSUM**  
Director of Department of Sustainable  
Development and Construction

BY  BY   
Assistant City Attorney Assistant Director

Passed \_\_\_\_\_.

EXHIBIT A  
EXISTING GREASE TRAPS (HARWOOD)  
FARMERS MARKET  
DALLAS, TEXAS

PROPERTY DESCRIPTION

BEING a 0.018 acre tract of land, situated in the John Grigsby Survey, Abstract 495, City of Dallas, Dallas County, Texas, same being in Harwood Street (Variable R.O.W.);

BEGINNING at an 1/2" iron rod with orange plastic cap stamped "P&C 100871" set for corner in the easterly right-of-way line of said Harwood Street and the westerly line of a tract of land conveyed to DF Market 2, LLC by deed recorded in Instrument Number 201300190271, Official Public Records, Dallas County, Texas, same being N 45°01'41" W, 20.00 feet from a capped iron rod found at the intersection of said Harwood Street with the northerly right-of-way line of Taylor Street (80' R.O.W.);

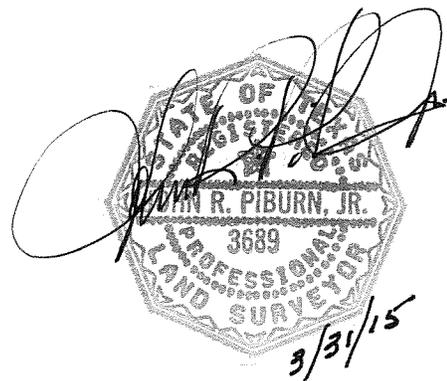
THENCE South 45°00'00" West, departing said easterly line of Harwood Street and westerly line of DF Market tract, for a distance of 10.00 feet to a mag nail set for corner;

THENCE North 45°01'41" West, for a distance of 80.00 feet to a mag nail set for corner;

THENCE North 45°00'00" East, for a distance of 10.00 feet to an 1/2" iron rod with orange plastic cap stamped "P&C 100871" set for corner in the easterly right of way line of aforementioned Harwood Street and the westerly line of aforementioned DF Market tract;

THENCE South 45°01'41" East, along the common line between said Harwood Street and said DF Market tract, for a distance of 80.00 feet to the POINT OF BEGINNING, and containing 800 square feet or 0.018 acres of land, more or less.

Basis of Bearings is the northeast line (N 36°00'00" W) of S. Pearl Street, as shown on plat of the Revised Map of Railroad Addition, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 4, Page 350, M.R.D.C.T.



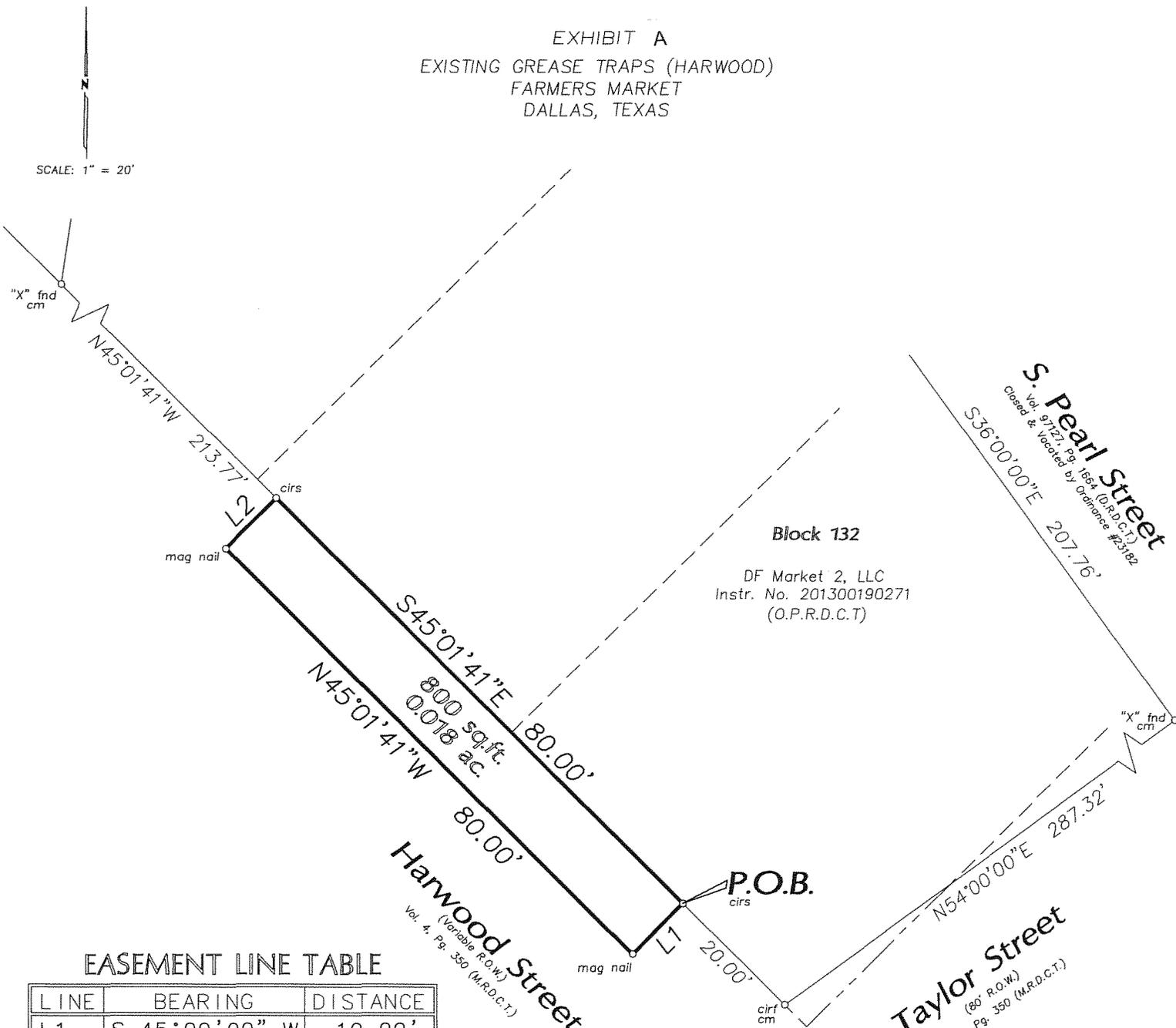
FIELD NOTES APPROVED:  
APR 14/15  
[Signature]



801 East Campbell Road – Suite 575  
Richardson, Texas 75081  
ph: (214) 328-3500 fax: (214) 328-3512  
email@piburncarson.com

EXHIBIT A  
 EXISTING GREASE TRAPS (HARWOOD)  
 FARMERS MARKET  
 DALLAS, TEXAS

SCALE: 1" = 20'



EASEMENT LINE TABLE

LINE	BEARING	DISTANCE
L1	S 45°00'00" W	10.00'
L2	N 45°00'00" E	10.00'

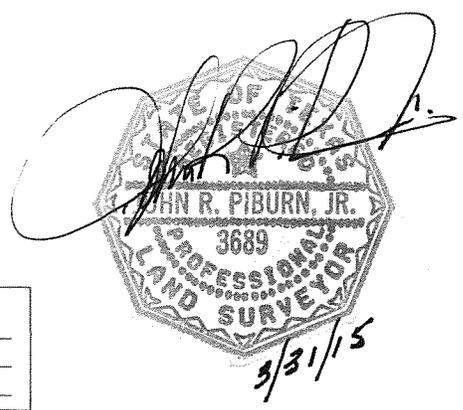
- NOTES:
- cirs = 1/2" iron rod with orange plastic cap stamped "P&C 100871" set for corner
  - cirf = capped iron rod found for corner
  - "X" fnd = "x" cut in concrete found for corner
  - mag nail = mag nail set for corner
  - cm = controlling monument
  - P.O.B. = Point of Beginning
  - (O.P.R.D.C.T.) = Official Public Records, Dallas County, Texas

(For SPRG use only)

Reviewed By: \_\_\_\_\_

Date: \_\_\_\_\_

SPRG NO.: \_\_\_\_\_



DATE: December 20, 2014  
 Project No. 12143



801 East Campbell Road – Suite 575  
 Richardson, Texas 75081  
 ph: (214) 328-3500 fax: (214) 328-3512  
 email@piburncarson.com

# EXHIBIT B

## ADDITIONAL ABANDONMENT PROVISIONS

That as a condition hereof, this abandonment is subject to any utilities or communication facilities, including without limitation water and wastewater lines, gas lines, and storm sewers, ("Facilities") presently located within the abandoned area described in Exhibit "A", owned and/or operated by the City of Dallas or any utility or communications company, public or private, ("Utility") and to the rights of any Utility for the use of the abandoned area for its Facilities. It is the intent of the foregoing to confirm and maintain and there is hereby reserved and excepted unto the City of Dallas, and not abandoned or conveyed hereunder, an easement (to which this abandonment is made expressly subject) over, upon, under, through, in, and across the abandoned area for each Utility for its respective Facilities located therein at the time of this abandonment, together with the right to make any subsequent alterations, additions, expansions, upgrades or modifications to such Facilities as may, from time to time be deemed necessary or convenient by the Utility owning and/or operating same. No buildings, structures (above or below ground) or trees shall be constructed or placed within the abandoned area without written consent of each affected Utility. Each Utility shall have the full right to remove and keep removed all or part of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective Facilities lying within the abandoned area and shall at all times have the full right of ingress and egress to or from and upon the abandoned area for the purposes of reconstructing, removing, relocating, inspecting, patrolling, maintaining, expanding, upgrading, and/or adding to all or part of its Facilities without the necessity at any time of procuring the permission of anyone. The easement reserved hereunder and the conditions and restrictions to which this abandonment is subject shall remain for the benefit of the applicable Utility and/or operators of the Facilities until said Facilities are removed and relocated from the abandoned area. The relocation, removal or adjustment of any or all such Facilities, if made necessary by GRANTEE'S (whether one or more natural persons or legal entities) use of the abandonment area, shall be at the expense of GRANTEE herein, or GRANTEE'S successors and assigns. Should GRANTEE'S relocation or removal of the Facilities require the obtaining of new easements, the acquisition of same shall be at the expense of GRANTEE, GRANTEE'S successors and assigns. If any of the Facilities (or relocations thereof) are allowed to remain on any part of the abandoned area, the easements and buildings restrictions provided herein shall remain thereon. Upon removal or relocation of all of the Facilities, any easements reserved or created herein relating to such removed or relocated Facilities shall terminate, and any building restrictions herein created shall cease.

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** April 22, 2015  
**COUNCIL DISTRICT(S):** 2  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Ryan S. Evans, 671-9837  
**MAPSCO:** 45Q

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**SUBJECT**

An ordinance abandoning portions of Taylor Street to DF Market 2, LLC, the abutting owner, containing a total of approximately 2,039 square feet of land, located near the intersection of Harwood and Taylor Streets, and authorizing the quitclaim - Revenue: \$5,400, plus the \$20 ordinance publication fee

**BACKGROUND**

This item is on the addendum because the final authorized survey was not received by the posted deadline. This item authorizes the abandonment of portions of Taylor Street to DF Market 2, LLC, the abutting owner. These areas will be included with the property of the abutting owner for the use of an existing chiller and grease trap. The abandonment fee is based on an independent appraisal.

Notices were sent to 16 property owners located within 300 feet of the proposed abandonment area. There were no responses received in opposition to this request.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

This item has no prior action.

**FISCAL INFORMATION**

Revenue: \$5,400, plus the \$20 ordinance publication fee

**OWNER**

**DF Market 2, LLC**

Brian Bergersen, President

**MAPS**

Attached

EXHIBIT  
EXISTING CHILLER (TAYLOR)  
FARMERS MARKET  
DALLAS, TEXAS

VICINITY MAP  
nts

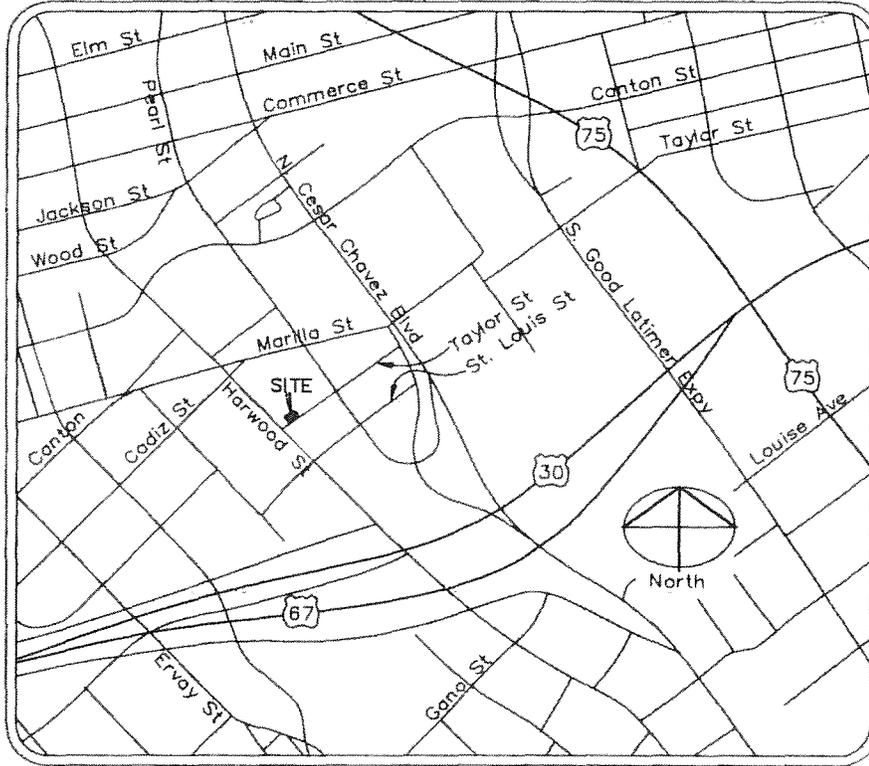
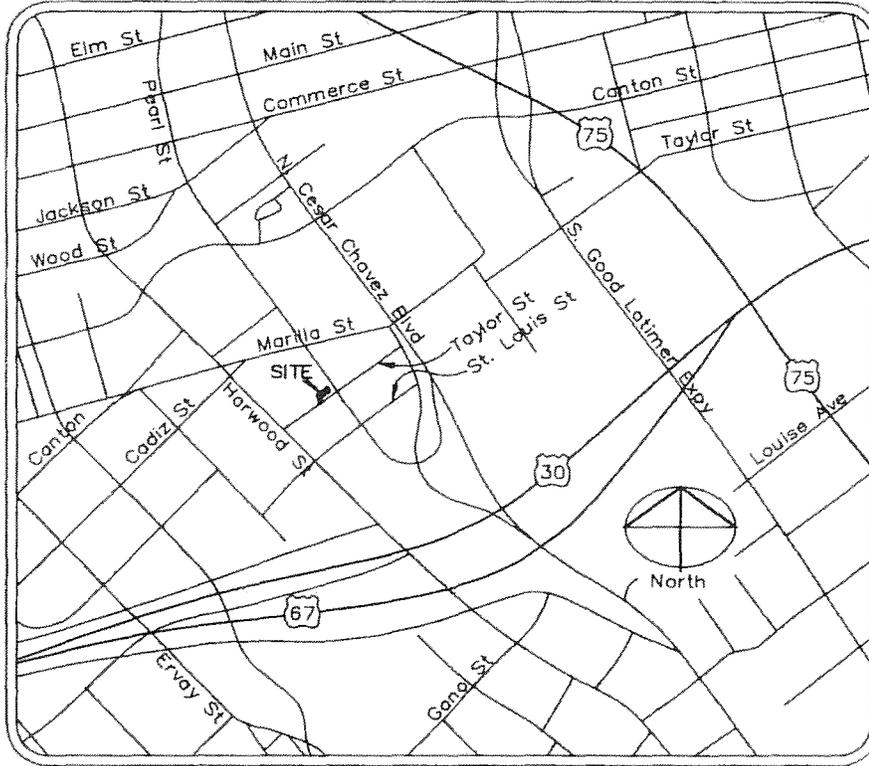


EXHIBIT  
PROPOSED GREASE TRAP (TAYLOR)  
FARMERS MARKET  
DALLAS, TEXAS

VICINITY MAP  
nts



**ORDINANCE NO. \_\_\_\_\_**

An ordinance providing for the abandonment of portions of Taylor Street located in and adjacent to City Blocks 132 and 26/132 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to DF Market 2, LLC; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date for this ordinance.

**ooo0ooo**

**WHEREAS**, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of DF Market 2, LLC, a Texas limited liability company, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim the hereinafter described tracts of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said portions of Taylor Street are not needed for public use, and same should be abandoned and quitclaimed to **GRANTEE**, as hereinafter stated; and

**WHEREAS**, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the public will be served by abandoning and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth. **Now, Therefore,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**SECTION 1.** That those certain provisions of Section 2-26.2(c) of the Dallas City Code regarding the appraisal valuation date, to the extent not required by state law or City Charter, are hereby waived with respect to this ordinance.

**SECTION 2.** That the tracts of land described in Exhibit A, which is attached hereto and made a part hereof for all purposes, be and the same is abandoned, vacated and closed insofar as the right, title and interest of the public are concerned; subject, however, to the conditions hereinafter more fully set out.

**SECTION 3.** That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 DOLLARS (\$5,400.00)** paid by **GRANTEE**, and the further consideration described in Sections 9, 10 and 11, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all of its right, title and interest in and to the certain tracts of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

**SECTION 4.** That upon payment of the monetary consideration set forth in Section 3, **GRANTEE** accepts the terms, provisions and conditions of this ordinance.

**SECTION 5.** That the Chief Financial Officer is authorized to deposit the sum paid by **GRANTEE** pursuant to Section 3 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction-Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 8416.

**SECTION 6.** That the abandonment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise, and are further subject to the conditions contained in Exhibit B, which is attached hereto and made a part hereof for all purposes.

**SECTION 7.** That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

**SECTION 8.** That the abandonment and quitclaim provided for herein shall extend only to the public right, title, easement and interest, and shall be construed to extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon and vacate.

**SECTION 9.** That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the areas described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the areas set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the areas described in Exhibit A, which **GRANTEE**, its successors and assigns, agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the areas set out in Exhibit A. **GRANTEE**, its successors and assigns, hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, “Hazardous Substance” means the following: (a) any “hazardous substances” under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any “hazardous substance” under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any “hazardous chemicals” or “toxic chemicals” under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any “hazardous waste” under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any “chemical substance” under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended.

References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

**SECTION 10.** That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall file a final replat of the adjoining properties prior to the issuance of any building permits affecting the tracts of land abandoned and quitclaimed herein. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned area is located after its approval by the City Plan Commission of the City of Dallas.

**SECTION 11.** That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, immediately upon the passage of this ordinance, close, barricade and/or place signs in the area described in Exhibit A in accordance with detailed plans approved by the Director of Department of Sustainable Development and Construction. **GRANTEE's** responsibility for keeping the area described in Exhibit A closed, barricaded and/or the signs in place shall continue until the street improvements and intersection returns are removed by **GRANTEE**, its successors and assigns, to the satisfaction of the Director of Department of Sustainable Development and Construction.

**SECTION 12.** That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment area is located, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee: (i) shall deliver to **GRANTEE** a certified copy of this ordinance, and (ii) is authorized to and shall prepare and deliver a **QUITCLAIM DEED** with regard to the area abandoned herein, to **GRANTEE** hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney.

The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

**SECTION 13.** That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

**APPROVED AS TO FORM:**  
**WARREN M. S. ERNST**  
City Attorney

**DAVID COSSUM**  
Director of Department of Sustainable  
Development and Construction

BY   
\_\_\_\_\_  
Assistant City Attorney

BY   
\_\_\_\_\_  
Assistant Director

Passed \_\_\_\_\_.

**EXHIBIT A-TRACT 1**  
FUTURE GREASE TRAP (TAYLOR)  
FARMERS MARKET  
DALLAS, TEXAS

PROPERTY DESCRIPTION

BEING a 0.021 acre tract of land, situated in the John Grigsby Survey, Abstract 495, City of Dallas, Dallas County, Texas, same being in Taylor Street (80' R.O.W. – Vol. 4, Pg. 350);

BEGINNING at an 1/2" iron rod with orange plastic cap stamped "P&C 100871" set for corner in the westerly right-of-way line of said Taylor Street and the easterly line of a tract of land conveyed to DF Market 2, LLC by deed recorded in Instrument Number 201300190271, Official Public Records, Dallas County, Texas, same being N54°00'00"E 30.00 feet from an "X" cut found at the intersection of said Taylor Street with the southwesterly right-of-way line of S. Pearl Street Street (Variable R.O.W. – closed and vacated by Ordinance #23182);

THENCE South 36°00'00" East, departing the easterly line of said DF Market tract, for a distance of 15.00 feet to a mag nail set for corner;

THENCE South 54°00'00" West, for a distance of 60.00 feet to a mag nail set for corner;

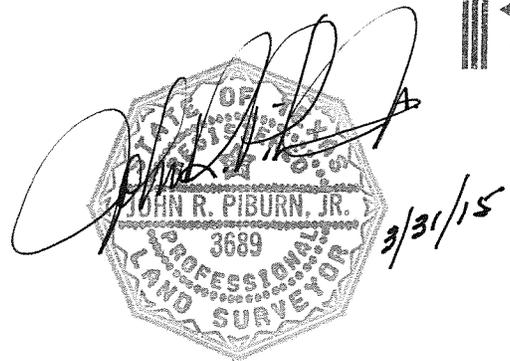
THENCE North 36°00'00" West, for a distance of 15.00 feet to a 1/2" iron rod with orange plastic cap stamped "P&C 100871" set for corner in the easterly line of aforementioned DF Market tract and the westerly line of aforementioned Taylor Street;

THENCE North 54°00'00" East, along the westerly line of said Taylor Street and the easterly line of said DF Market tract, for a distance of 60.00 feet to the POINT OF BEGINNING, and containing 900 square feet or 0.021 acres of land, more or less.

Basis of Bearings is the northeast line (N 36°00'00" W) of S. Pearl Street, as shown on plat of the Revised Map of Railroad Addition, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 4, Page 350, M.R.D.C.T.

FIELD NOTES APPROVED:

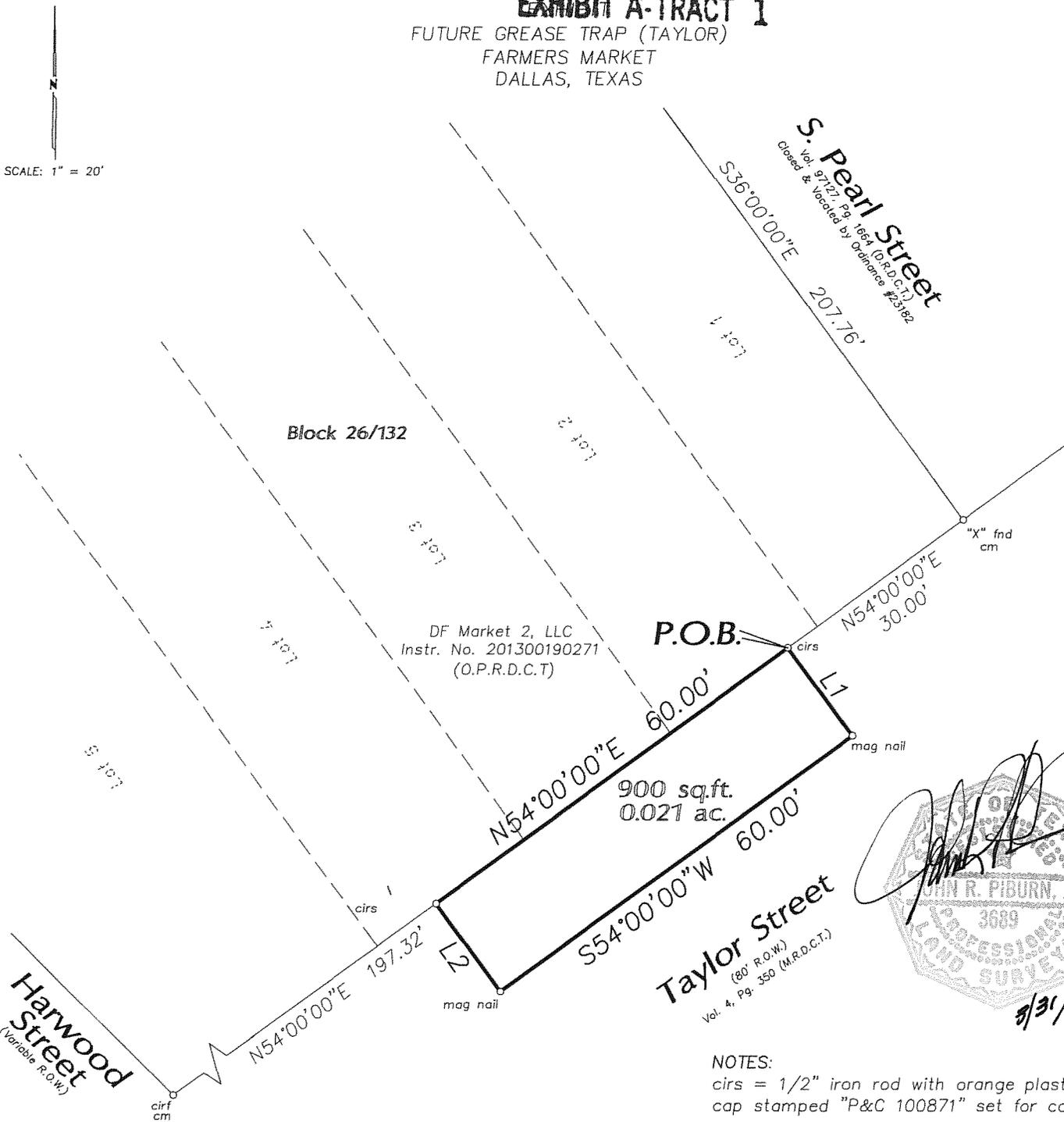
*AKC 4/14/15*



# EXHIBIT A-TRACT 1

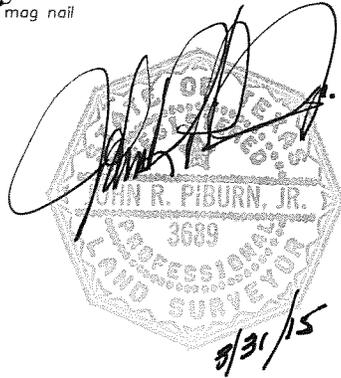
FUTURE GREASE TRAP (TAYLOR)  
FARMERS MARKET  
DALLAS, TEXAS

SCALE: 1" = 20'



DF Market 2, LLC  
Instr. No. 201300190271  
(O.P.R.D.C.T.)

900 sq.ft.  
0.021 ac.



## EASEMENT LINE TABLE

LINE	BEARING	DISTANCE
L1	S 36°00'00" E	15.00'
L2	N 36°00'00" W	15.00'

(For SPRG use only)

Reviewed By: \_\_\_\_\_

Date: \_\_\_\_\_

SPRG NO.: \_\_\_\_\_

### NOTES:

- cirs = 1/2" iron rod with orange plastic cap stamped "P&C 100871" set for corner
- cirf = capped iron rod found for corner
- "X" fnd = "x" cut in concrete found for corner
- mag nail = mag nail set for corner
- cm = controlling monument
- P.O.B. = Point of Beginning
- (O.P.R.D.C.T.) = Official Public Records, Dallas County, Texas

REV: March 31, 2015  
DATE: December 20, 2014  
Project No. 12143



801 East Campbell Road – Suite 575  
Richardson, Texas 75081  
ph: (214) 328-3500 fax: (214) 328-3512  
email@piburncarson.com

# EXHIBIT A-TRACT 2

EXISTING CHILLER (TAYLOR)  
FARMERS MARKET  
DALLAS, TEXAS

## PROPERTY DESCRIPTION

BEING a 0.026 acre tract of land, situated in the John Grigsby Survey, Abstract 495, City of Dallas, Dallas County, Texas, same being in Taylor Street (80' R.O.W.), same also being a portion of a tracts of land described to City of Dallas, as recorded in Volume 2661, Page 401 and Volume 2360, Page 529 Deed Records, Dallas County, Texas;

BEGINNING at a capped iron rod found at the intersection of the westerly right-of-way line of said Taylor Street with the easterly line of Harwood Street (Variable R.O.W.), said corner being the south corner of a tract of land conveyed to DF Market 2, LLC by deed recorded in Instrument Number 201300190271, Official Public Records, Dallas County, Texas;

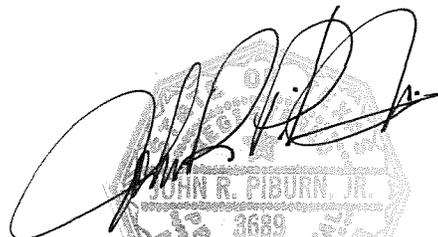
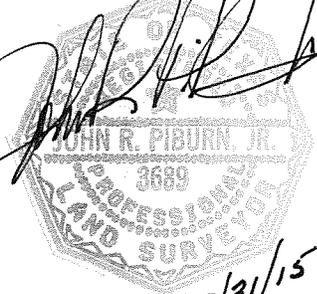
THENCE North 54°00'00" East, along the westerly line of said Taylor Street and the southerly line of said DF Market tract, for a distance of 45.56 feet to an 1/2" iron rod with orange plastic cap stamped "P&C 100871" set for corner;

THENCE South 45°01'41" East, departing said common line, for a distance of 25.31 feet to a mag nail set for corner;

THENCE South 54°00'00" West, for a distance of 45.56 feet to a mag nail set for corner;

THENCE North 45°01'41" West, for a distance of 25.31 feet to the POINT OF BEGINNING, and containing 1,139 square feet or 0.026 acres of land, more or less.

Basis of Bearings is the northeast line (N 36°00'00" W) of S. Pearl Street, as shown on plat of the Revised Map of Railroad Addition, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 4, Page 350, M.R.D.C.T.

  
  
3/31/15

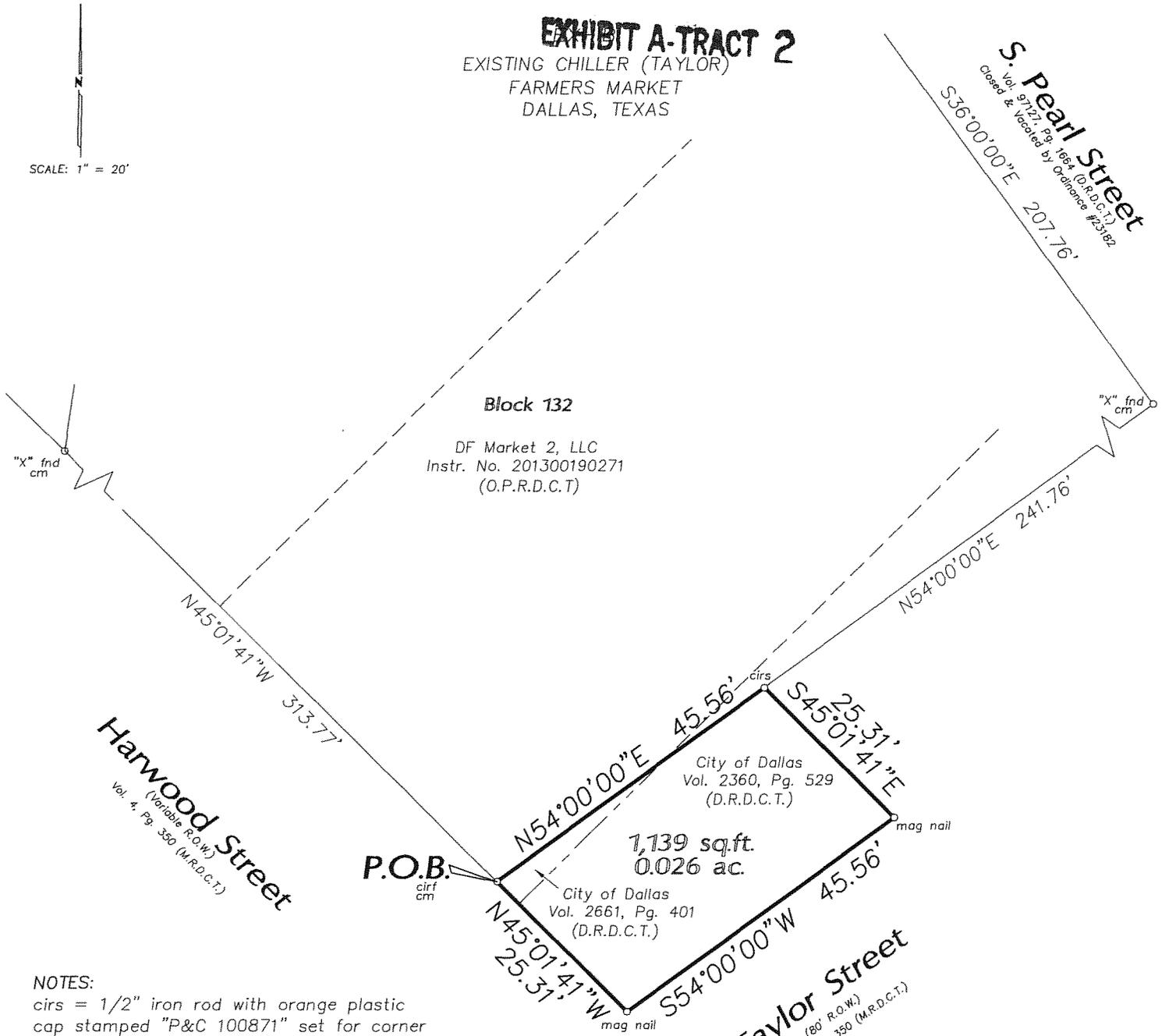
FIELD NOTES APPROVED:

*APC 4/16/15*



**EXHIBIT A-TRACT 2**  
 EXISTING CHILLER (TAYLOR)  
 FARMERS MARKET  
 DALLAS, TEXAS

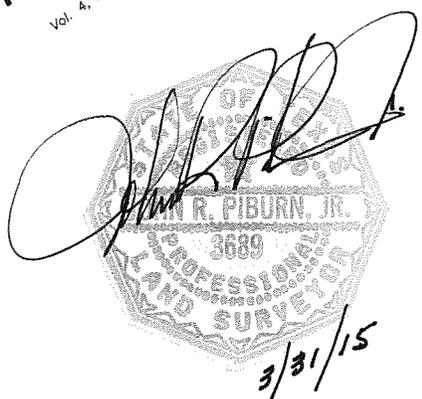
SCALE: 1" = 20'



**NOTES:**  
 cirs = 1/2" iron rod with orange plastic cap stamped "P&C 100871" set for corner  
 cirs = capped iron rod found for corner  
 "X" fnd = "x" cut in concrete found for corner  
 mag nail = mag nail set for corner  
 cm = controlling monument  
 P.O.B. = Point of Beginning  
 (O.P.R.D.C.T.) = Official Public Records, Dallas County, Texas

(For SPRG use only)

Reviewed By: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 SPRG NO.: \_\_\_\_\_



REV: March 31, 2015  
 DATE: December 20, 2014  
 Project No. 12143



801 East Campbell Road – Suite 575  
 Richardson, Texas 75081  
 ph: (214) 328-3500 fax: (214) 328-3512  
 email@piburncarson.com

# EXHIBIT B

## ADDITIONAL ABANDONMENT PROVISIONS

That as a condition hereof, this abandonment is subject to any utilities or communication facilities, including without limitation water and wastewater lines, gas lines, and storm sewers, ("Facilities") presently located within the abandoned area described in Exhibit "A", owned and/or operated by the City of Dallas or any utility or communications company, public or private, ("Utility") and to the rights of any Utility for the use of the abandoned area for its Facilities. It is the intent of the foregoing to confirm and maintain and there is hereby reserved and excepted unto the City of Dallas, and not abandoned or conveyed hereunder, an easement (to which this abandonment is made expressly subject) over, upon, under, through, in, and across the abandoned area for each Utility for its respective Facilities located therein at the time of this abandonment, together with the right to make any subsequent alterations, additions, expansions, upgrades or modifications to such Facilities as may, from time to time be deemed necessary or convenient by the Utility owning and/or operating same. No buildings, structures (above or below ground) or trees shall be constructed or placed within the abandoned area without written consent of each affected Utility. Each Utility shall have the full right to remove and keep removed all or part of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective Facilities lying within the abandoned area and shall at all times have the full right of ingress and egress to or from and upon the abandoned area for the purposes of reconstructing, removing, relocating, inspecting, patrolling, maintaining, expanding, upgrading, and/or adding to all or part of its Facilities without the necessity at any time of procuring the permission of anyone. The easement reserved hereunder and the conditions and restrictions to which this abandonment is subject shall remain for the benefit of the applicable Utility and/or operators of the Facilities until said Facilities are removed and relocated from the abandoned area. The relocation, removal or adjustment of any or all such Facilities, if made necessary by GRANTEE'S (whether one or more natural persons or legal entities) use of the abandonment area, shall be at the expense of GRANTEE herein, or GRANTEE'S successors and assigns. Should GRANTEE'S relocation or removal of the Facilities require the obtaining of new easements, the acquisition of same shall be at the expense of GRANTEE, GRANTEE'S successors and assigns. If any of the Facilities (or relocations thereof) are allowed to remain on any part of the abandoned area, the easements and buildings restrictions provided herein shall remain thereon. Upon removal or relocation of all of the Facilities, any easements reserved or created herein relating to such removed or relocated Facilities shall terminate, and any building restrictions herein created shall cease.

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** April 22, 2015  
**COUNCIL DISTRICT(S):** 2  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Ryan S. Evans, 671-9837  
**MAPSCO:** 45R

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**SUBJECT**

An ordinance abandoning a portion of Pearl Expressway to FM Harvest, Ltd., the abutting owner, containing a total of approximately 419 square feet of land, located near the intersection of Pearl Expressway and Taylor Street, and authorizing the quitclaim - Revenue: \$5,400, plus the \$20 ordinance publication fee

**BACKGROUND**

This item is on the addendum because the final authorized survey was not received by the posted deadline. This item authorizes the abandonment of a portion of Pearl Expressway to FM Harvest, Ltd., the abutting owner. The area will be included with the property of the abutting owner for the installation of electrical facilities to serve the FM Harvest Lofts mixed-use development. The abandonment fee is based on an independent appraisal.

Notices were sent to 16 property owners located within 300 feet of the proposed abandonment area. There were no responses received in opposition to this request.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

This item has no prior action.

**FISCAL INFORMATION**

Revenue: \$5,400, plus the \$20 ordinance publication fee

**OWNER**

**FM Harvest, LTD**

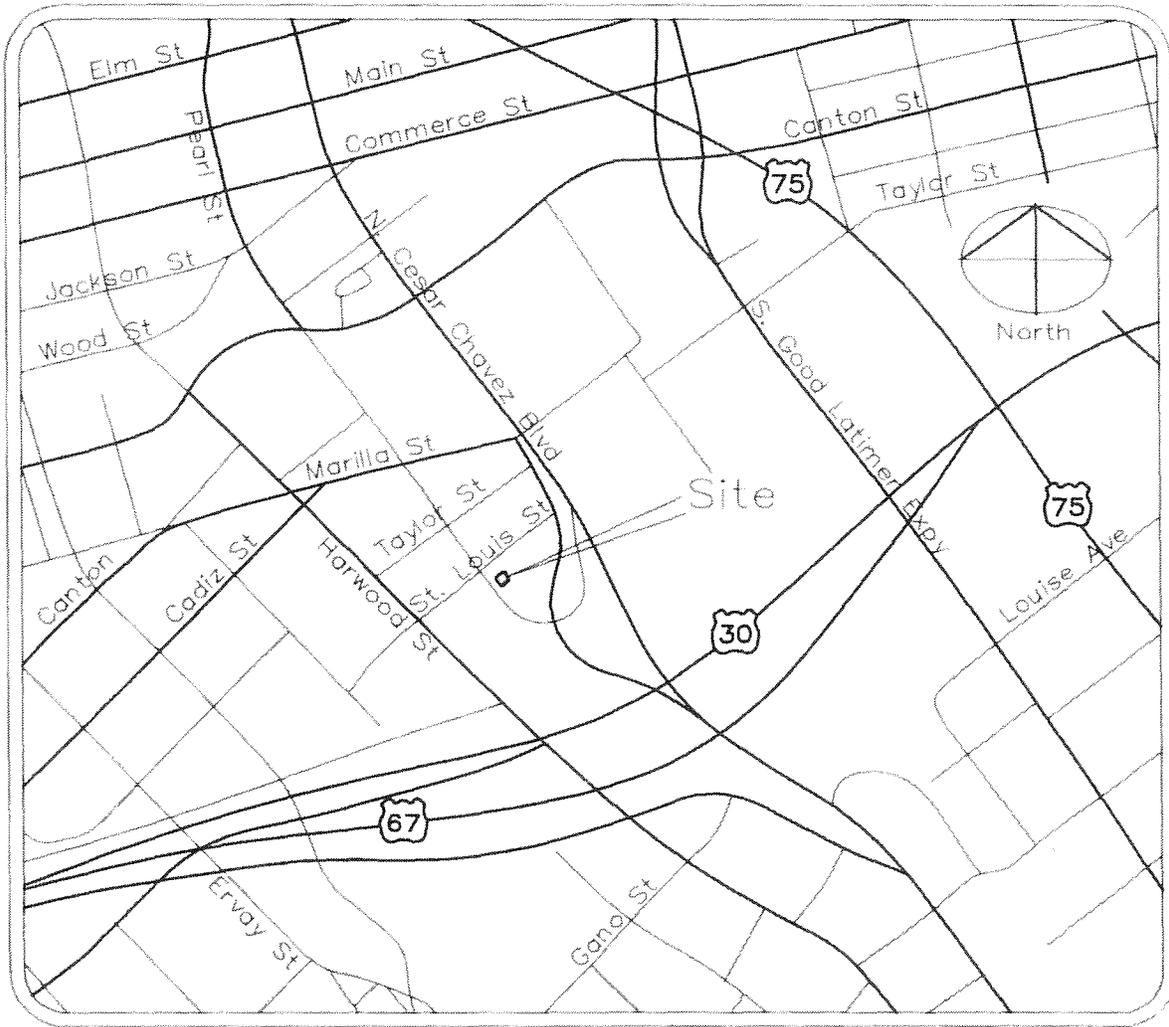
FM Harvest GP, LLC

Brian Bergersen, President

**MAP**

Attached

**EXHIBIT**  
**S. PEARL STREET**  
**JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495**  
**CITY OF DALLAS, DALLAS COUNTY, TEXAS**



**VICINITY MAP**  
nts



**ORDINANCE NO. \_\_\_\_\_**

An ordinance providing for the abandonment of a portion of Pearl Expressway located adjacent to City Block A/134 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to FM Harvest, Ltd.; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; providing for the waiver of certain provisions of the Dallas City Code; providing a future effective date for this abandonment; and providing an effective date for this ordinance.

**ooo0ooo**

**WHEREAS**, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of FM Harvest, Ltd., a Texas limited partnership, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said portion of right-of-way is not needed for public use, and same should be abandoned and quitclaimed to **GRANTEE**, as hereinafter stated; and

**WHEREAS**, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the public will be served by abandoning and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth. **Now, Therefore,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**SECTION 1.** That those certain provisions of Section 2-26.2(c) of the Dallas City Code regarding the appraisal valuation date, to the extent not required by state law or City Charter, are hereby waived with respect to this ordinance.

**SECTION 2.** That the tract of land described in Exhibit A, which is attached hereto and made a part hereof for all purposes, be and the same is abandoned, vacated and closed insofar as the right, title and interest of the public are concerned; subject, however, to the conditions and future effective date hereinafter more fully set out.

**SECTION 3.** That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 DOLLARS (\$5,400.00)** paid by **GRANTEE**, and the further consideration described in Sections 9, 10, 11, and 12, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all of its right, title and interest in and to the certain tract of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

**SECTION 4.** That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, future effective date and conditions of this ordinance.

**SECTION 5.** That the Chief Financial Officer is authorized to deposit the sum paid by **GRANTEE** pursuant to Section 3 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction-Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 8416.

**SECTION 6.** That the abandonment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise, and are further subject to the conditions contained in Exhibit B, which is attached hereto and made a part hereof for all purposes.

**SECTION 7.** That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

**SECTION 8.** That the abandonment and quitclaim provided for herein shall extend only to the public right, title, easement and interest, and shall be construed to extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon and vacate.

**SECTION 9.** That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the area described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE**, its successors and assigns, agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE**, its successors and assigns, hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended.

References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

**SECTION 10.** That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall apply for and successfully obtain an amendment to the Thoroughfare Plan/CBD Streets and Vehicular Circulation Plan in accordance with the Dallas Development Code, as amended with regards to Pearl Expressway located adjacent to the area described in Exhibit A, before the effectiveness of this abandonment.

**SECTION 11.** That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall file a final replat of the adjoining properties prior to the issuance of any building permits affecting the tracts of land abandoned and quitclaimed herein. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned area is located after its approval by the City Plan Commission of the City of Dallas.

**SECTION 12.** That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, immediately upon the effectiveness of this abandonment, close, barricade and/or place signs in the area described in Exhibit A in accordance with detailed plans approved by the Director of Department of Sustainable Development and Construction. **GRANTEE's** responsibility for keeping the area described in Exhibit A closed, barricaded and/or the signs in place shall continue until the street improvements and intersection returns are removed by **GRANTEE**, its successors and assigns, to the satisfaction of the Director of Department of Sustainable Development and Construction.

**SECTION 13.** That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment area is located, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee.

Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, and the filing of the final replat set forth in Section 10, the Director of Department of Sustainable Development and Construction, or designee: (i) shall deliver to **GRANTEE** a certified copy of this ordinance, and (ii) is authorized to and shall prepare and deliver a **QUITCLAIM DEED** with regard to the area abandoned herein, to **GRANTEE** hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

**SECTION 14.** That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

**APPROVED AS TO FORM:**  
**WARREN M. S. ERNST**  
City Attorney

**DAVID COSSUM**  
Director of Department of Sustainable  
Development and Construction

BY



Assistant City Attorney

BY



Assistant Director

Passed \_\_\_\_\_.

**EXHIBIT A**  
**S. PEARL STREET**  
**JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495**  
**CITY OF DALLAS, DALLAS COUNTY, TEXAS**

**BEING** a 419 square foot (0.010 acre) tract of land situated within the John Grigsby Survey, Abstract Number 495, City of Dallas, Dallas County, Texas, same being a portion of S. Pearl Street (80' R.O.W.), and being adjacent to a tract of land as conveyed to FM Harvest, Ltd by Instrument No. 201300190268 Official Public Records, Dallas County, Texas and Lot 1, Block A/134 Trinity Produce Company Subdivision Volume 75119, Page 1568 Deed Records, Dallas County, Texas and being more particularly described as follows:

**BEGINNING** at an "X" cut in concrete set for corner in the southwest line of said S. Pearl Street, said "X" being 1.36 feet from the north corner of Lot 1, Block A/134 of Trinity Produce Company Subdivision as recorded in Volume 75119, Page 1568, Deed Records, Dallas County, Texas;

**THENCE** North 54°00'00" East, departing said southwest right-of-way line of S. Pearl Street, a distance of 21.50 feet to an "X" cut in concrete set for corner;

**THENCE** South 36°00'00" East, for a distance of 19.50 feet to an "X" cut in concrete set for corner;

**THENCE** South 54°00'00" West, for a distance of 21.50 feet to an "X" cut in concrete set for corner in the aforementioned southwest right-of-way line of S. Pearl Street and the northeast line of aforementioned Lot 1;

**THENCE** North 36°00'00" West, along said S. Pearl Street, a distance of 19.50 feet to the **POINT OF BEGINNING** and containing 419 square feet or 0.010 acres of land, more or less.

FIELD NOTES APPROVED:

*AK 4/14/15*



*[Handwritten Signature]*  
JOHN R. PIBURN, JR.  
3689  
PROFESSIONAL  
LAND SURVEYOR  
STATE OF TEXAS  
*3/6/2015*

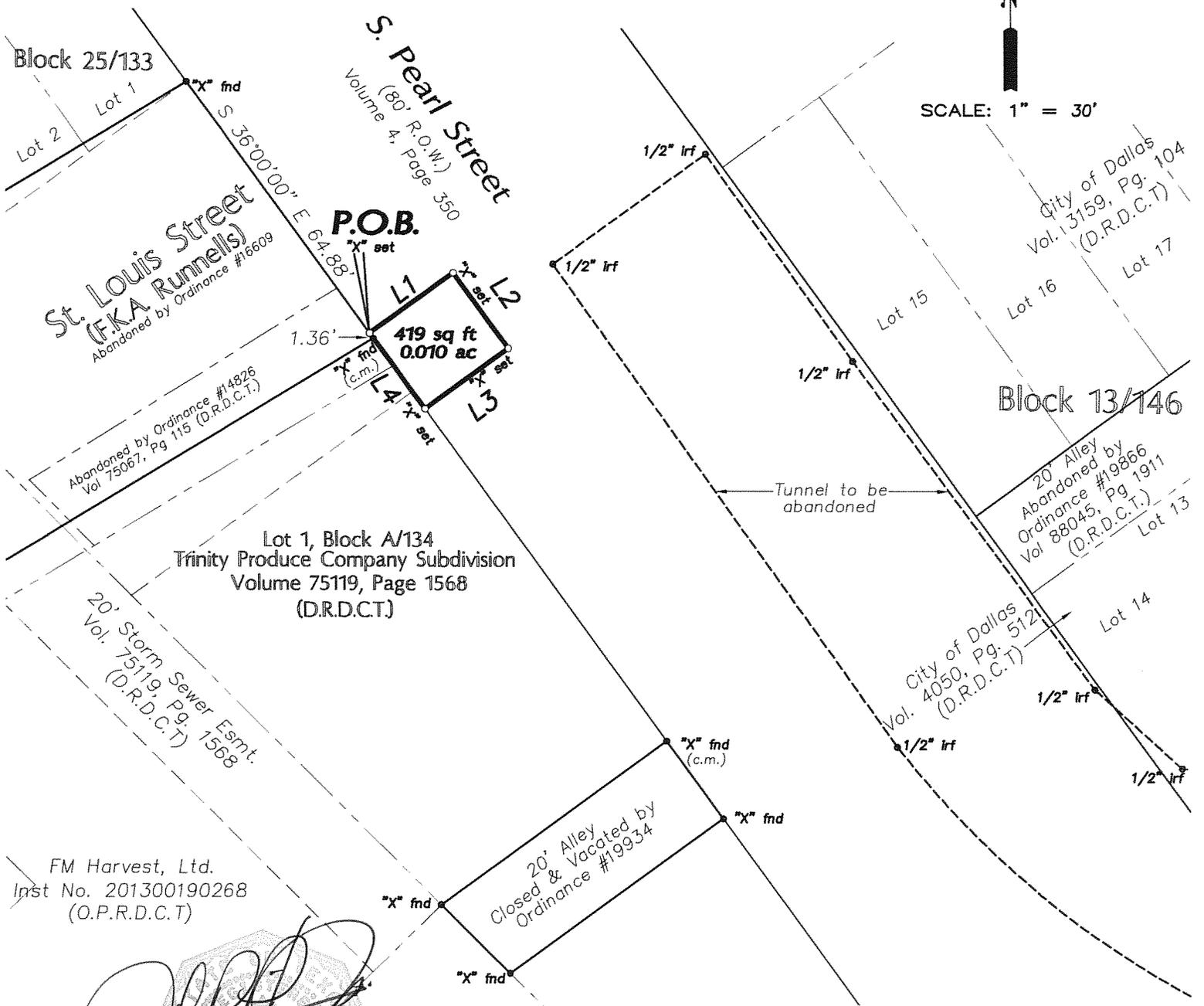
Basis of Bearings is the northeast line (N 36°00'00" W), of S. Pearl Street, as shown on the Revised Map of Railroad Addition, an addition to the City of Dallas, Dallas County, Texas according to the plat thereof recorded in Volume 4, Page 350, M.R.D.C.T.

# EXHIBIT A

S. PEARL STREET  
 JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495  
 CITY OF DALLAS, DALLAS COUNTY, TEXAS



SCALE: 1" = 30'



FM Harvest, Ltd.  
 Inst No. 201300190268  
 (O.P.R.D.C.T.)

*[Signature]*  
 JOHN R. PIBURN, JR.  
 3689  
 PROFESSIONAL  
 LAND SURVEYOR  
 3/6/2015

**NOTES:**

- irf = iron rod found for corner
- "X" set = "X" cut in concrete set
- "X" fnd = "X" cut in concrete found
- D.R.D.C.T. = Deed Records, Dallas County, Texas
- M.R.D.C.T. = Map Records, Dallas County, Texas
- P.O.B. = Point of Beginning
- (c.m.) = controlling monument

Basis of Bearings is the northeast line (N 36°00'00" W), of S. Pearl Street, as shown on the Revised Map of Railroad Addition, an addition to the City of Dallas, Dallas County, Texas according to the plat thereof recorded in Volume 4, Page 350, M.R.D.C.T.

**LINE TABLE**

LINE	BEARING	DISTANCE
L1	N 54°00'00" E	21.50'
L2	S 36°00'00" E	19.50'
L3	S 54°00'00" W	21.50'
L4	N 36°00'00" W	19.50'

Rev: March 5, 2015  
 August 18, 2014  
 Project No. 12143



9535 Forest Lane - Suite 229  
 Dallas, Texas 75243  
 ph: (214) 328-3500 fax: (214) 328-3512  
 email@piburncarson.com

# EXHIBIT B

## ADDITIONAL ABANDONMENT PROVISIONS

That as a condition hereof, this abandonment is subject to any utilities or communication facilities, including without limitation water and wastewater lines, gas lines, and storm sewers, ("Facilities") presently located within the abandoned area described in Exhibit "A", owned and/or operated by the City of Dallas or any utility or communications company, public or private, ("Utility") and to the rights of any Utility for the use of the abandoned area for its Facilities. It is the intent of the foregoing to confirm and maintain and there is hereby reserved and excepted unto the City of Dallas, and not abandoned or conveyed hereunder, an easement (to which this abandonment is made expressly subject) over, upon, under, through, in, and across the abandoned area for each Utility for its respective Facilities located therein at the time of this abandonment, together with the right to make any subsequent alterations, additions, expansions, upgrades or modifications to such Facilities as may, from time to time be deemed necessary or convenient by the Utility owning and/or operating same. No buildings, structures (above or below ground) or trees shall be constructed or placed within the abandoned area without written consent of each affected Utility. Each Utility shall have the full right to remove and keep removed all or part of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective Facilities lying within the abandoned area and shall at all times have the full right of ingress and egress to or from and upon the abandoned area for the purposes of reconstructing, removing, relocating, inspecting, patrolling, maintaining, expanding, upgrading, and/or adding to all or part of its Facilities without the necessity at any time of procuring the permission of anyone. The easement reserved hereunder and the conditions and restrictions to which this abandonment is subject shall remain for the benefit of the applicable Utility and/or operators of the Facilities until said Facilities are removed and relocated from the abandoned area. The relocation, removal or adjustment of any or all such Facilities, if made necessary by GRANTEE'S (whether one or more natural persons or legal entities) use of the abandonment area, shall be at the expense of GRANTEE herein, or GRANTEE'S successors and assigns. Should GRANTEE'S relocation or removal of the Facilities require the obtaining of new easements, the acquisition of same shall be at the expense of GRANTEE, GRANTEE'S successors and assigns. If any of the Facilities (or relocations thereof) are allowed to remain on any part of the abandoned area, the easements and buildings restrictions provided herein shall remain thereon. Upon removal or relocation of all of the Facilities, any easements reserved or created herein relating to such removed or relocated Facilities shall terminate, and any building restrictions herein created shall cease.

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** April 22, 2015  
**COUNCIL DISTRICT(S):** 2  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Ryan S. Evans, 671-9837  
**MAPSCO:** 35Z

---

**SUBJECT**

An ordinance abandoning portions of an alley to Pedro Montoya, Taqueria Pedritos, Inc., and NEM Properties, LLC, the abutting owners, containing a total of approximately 3,038 square feet of land, located near the intersection of Capitol and Fitzhugh Avenues, authorizing the quitclaim and providing for the dedication of approximately 3,888 square feet for an alley easement - Revenue: \$98,432, plus the \$20 ordinance publication fee

**BACKGROUND**

This item is on the addendum because the draft ordinance was not approved until after the posted deadline. This item authorizes the abandonment of portions of an alley to Pedro Montoya, Taqueria Pedritos, Inc., and NEM Properties, LLC, the abutting owners. The area will be included with the property of the abutting owners for the creation of a retail development. The owner will dedicate approximately 3,888 square feet needed for an alley easement. The abandonment fee is based on an independent appraisal.

Notices were sent to 24 property owners located within 300 feet of the proposed abandonment area. There were no responses received in opposition to this request.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

This item has no prior action.

**FISCAL INFORMATION**

Revenue: \$98,432, plus the \$20 ordinance publication fee

**OWNERS**

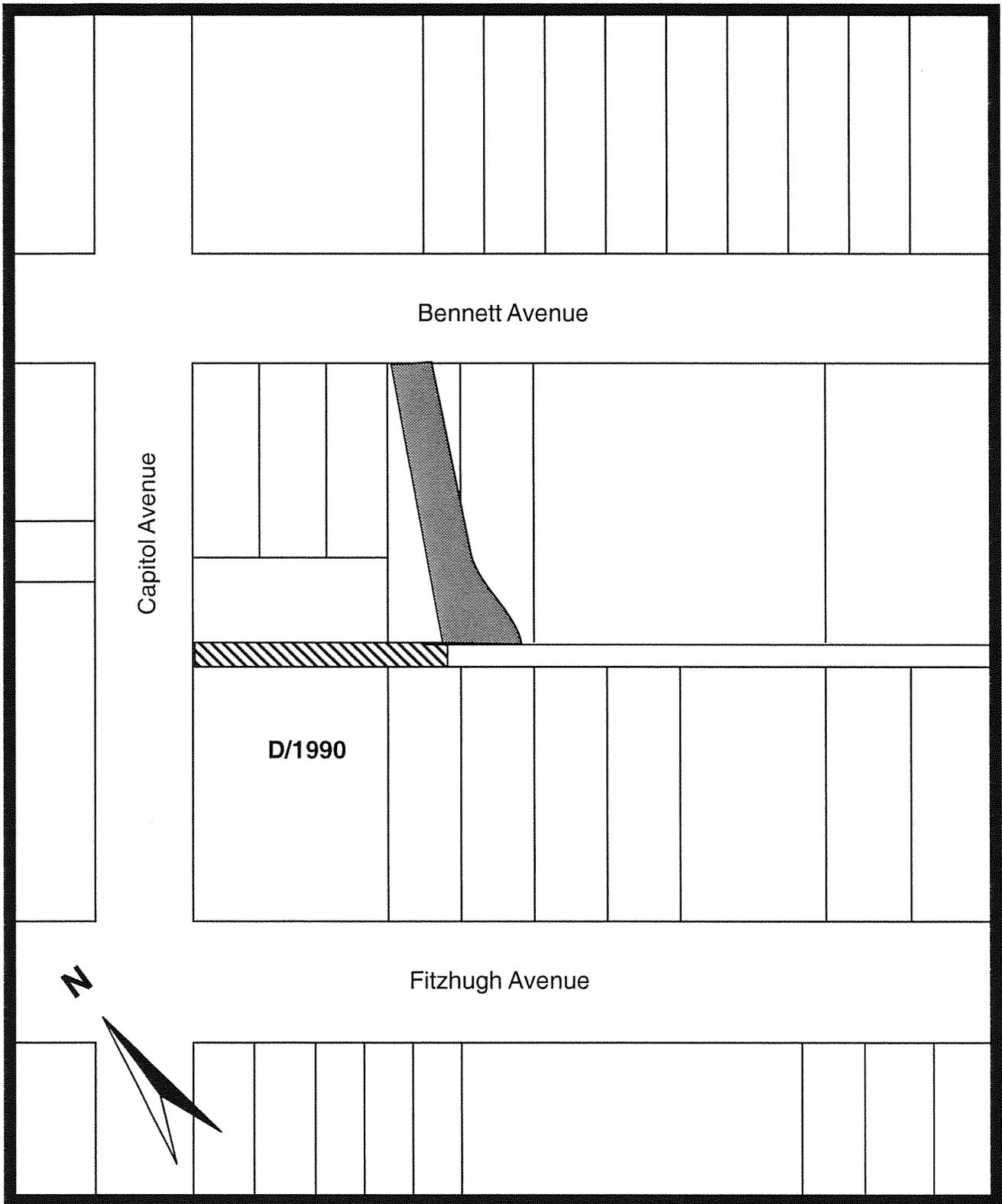
**Taqueria Pedritos, Inc.**  
Pedro Montoya, President

**NEM Properties, LLC**  
Naomi Escobar, Officer

Pedro Montoya

**MAP**

Attached



= Abandonment Area



= Dedication Area



**ORDINANCE NO. \_\_\_\_\_**

An ordinance providing for the abandonment of portions of an alley located in City Block D/1990 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Pedro Montoya, Taqueria Pedritos, Inc., and NEM Properties, LLC; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the conveyance of a needed alley easement to the City of Dallas; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; providing a future effective date for this abandonment; and providing an effective date for this ordinance.

**ooo0ooo**

**WHEREAS**, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Pedro Montoya, a single person, Taqueria Pedritos, Inc., a Texas corporation, and NEM Properties, LLC, a Texas limited liability company, hereinafter referred to collectively as **GRANTEE**, deems it advisable to abandon and quitclaim the hereinafter described tracts of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said portions of alley are not needed for public use, and same should be abandoned and quitclaimed to **GRANTEE**, as hereinafter stated; and

**WHEREAS**, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the public will be served by abandoning and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth. **Now, Therefore,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**SECTION 1.** That the tracts of land described in Exhibit A, which is attached hereto and made a part hereof for all purposes, be and the same is abandoned, vacated and closed insofar as the right, title and interest of the public are concerned; subject, however, to the conditions and future effective date hereinafter more fully set out.

**SECTION 2.** That for and in monetary consideration of the sum of **NINETY-EIGHT THOUSAND FOUR HUNDRED THIRTY-TWO AND NO/100 DOLLARS (\$98,432.00)** paid by **GRANTEE**, and the further consideration described in Sections 8, 9, 11, 13, 14,15, and 16, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all of its right, title and interest in and to the certain tracts of land hereinabove described in Exhibit A as follows: unto Pedro Montoya, all of its right, title and interest in Tract I of Exhibit A; unto Taqueria Pedritos, Inc., all of its right, title and interest in Tract II of Exhibit A; and unto NEM Properties, Inc., all of its right, title and interest in Tract III of Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

**SECTION 3.** That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, future effective date and conditions of this ordinance.

**SECTION 4.** That the Chief Financial Officer is authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction-Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 8416.

**SECTION 5.** That the abandonment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise, and are further subject to the conditions contained in Exhibit B, which is attached hereto and made a part hereof for all purposes.

**SECTION 6.** That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, their heirs, successors and assigns.

**SECTION 7.** That the abandonment and quitclaim provided for herein shall extend only to the public right, title, easement and interest, and shall be construed to extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon and vacate.

**SECTION 8.** That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, their heirs, successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the property described in Exhibit A by **GRANTEE**, their heirs, successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the areas set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the areas described in Exhibit A, which **GRANTEE**, their heirs, successors and assigns, agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the areas set out in Exhibit A. **GRANTEE**, their heirs, successors and assigns, hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the

Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any “chemical substance” under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

**SECTION 9.** That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall convey by Alley Easement to the City of Dallas, within 90 days of the effective date of this ordinance, good, indefeasible and marketable title, subject to only those title exceptions approved by the City Attorney, and insured by an owner’s policy of title insurance approved as to form by the City Attorney, to certain properties located in City Block D/1990, containing approximately 3,888 square feet of land , a description of which is attached hereto and made a part hereof as Exhibit C. This abandonment shall not be effective unless and until this dedication is completed as herein provided and failure to convey the above described property as set forth shall render this ordinance null and void and of no further effect.

**SECTION 10.** That at such time as the instrument described in Section 9 above is executed and delivered to the City of Dallas and has been approved as to form by the City Attorney it be accepted, and thereafter, the Director of Department of Sustainable Development and Construction is authorized and directed to record said instrument in the official real property records of the county in which the subject property is located.

**SECTION 11.** That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall complete construction of the alley improvements within the easement area to be conveyed to City as described in Section 9 herein. **GRANTEE** shall complete the alley improvements prior to any barricading of the abandoned alley required pursuant to Section 16 herein. All construction shall comply with City alley construction standards. Failure to complete said construction prior to barricading or removal of the abandoned alley in accordance with the terms of this section shall render this ordinance null and void and of no further effect.

**SECTION 12.** That this ordinance and properly executed Alley Easement, approved as to form by the City Attorney, be forwarded to a title insurance company for closing. Subsequent to closing, all instruments conveying real estate interests to the City of Dallas shall be recorded in the official real property records of the county in which the subject property is located and thereafter returned to the City Secretary for permanent record.

**SECTION 13.** That as a condition of this abandonment and as part of the consideration for the quitclaim made herein, **GRANTEE** shall pay all closing costs and title expenses associated with the acquisition of the property described in Section 9 above.

**SECTION 14.** That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, within 180 days of the date of this ordinance: (i) submit detailed plans for the construction of the alley turnout within the area described in Exhibit C to the Department of Sustainable Development and Construction Engineering Division for review and approval; and (ii) execute a Private Development Contract with the City of Dallas approved by the Director of Department of Sustainable Development and Construction, or designee for the construction of said alley turnout. This abandonment shall not be effective unless and until **GRANTEE** has complied with this provision, and **GRANTEE's** failure to satisfy said conditions shall render this ordinance null and void and of no further effect.

**SECTION 15.** That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall file a final replat of the adjoining properties prior to the issuance of any building permits affecting the tracts of land abandoned and quitclaimed herein. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned area is located after its approval by the City Plan Commission of the City of Dallas.

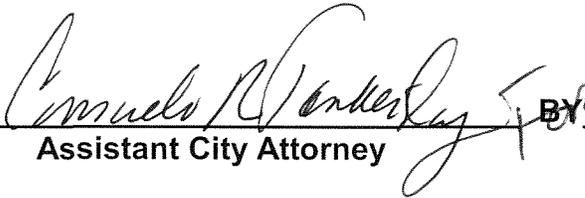
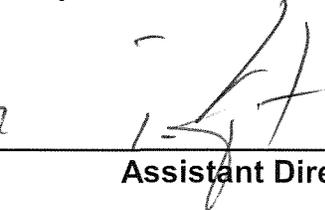
**SECTION 16.** That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, immediately upon the effectiveness of this abandonment, but in no event prior to the completion of the alley improvements required pursuant to Section 11 of this ordinance, close, barricade and/or place signs in the areas described in Exhibit A in accordance with detailed plans approved by the Director of Department of Sustainable Development and Construction. **GRANTEE's** responsibility for keeping the areas described in Exhibit A closed, barricaded and/or the signs in place shall continue until the street improvements and intersection returns are removed by **GRANTEE**, their heirs and successors and assigns, to the satisfaction of the Director of Department of Sustainable Development and Construction.

**SECTION 17.** That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment area is located, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, and payment of the title expenses and closing costs described in Section 13, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, and completion of the dedication set forth in Section 9, the completion of the construction described in Section 11 herein, and completion of the barricading required in Section 16, the Director of Department of Sustainable Development and Construction, or designee: (i) shall deliver to **GRANTEE** a certified copy of this ordinance, and (ii) is authorized to and shall prepare and deliver a **QUITCLAIM DEED** with regard to the area abandoned herein, to **GRANTEE** hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

**SECTION 18.** That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

**APPROVED AS TO FORM:**  
**WARREN M. S. ERNST**  
City Attorney

**DAVID COSSUM**  
Director of Department of Sustainable  
Development and Construction

BY  BY   
Assistant City Attorney Assistant Director

Passed \_\_\_\_\_.

# ALLEY ABANDONMENT

## V.S. BOWLES ADDITION

DALLAS CITY BLOCK D/1990

CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 2,206 square feet tract of land situated in the J. GRIGSBY Survey, Abstract No. 495, in the City of Dallas, Dallas County, Texas, and being a portion of a 20-foot alley situated in City of Dallas Block D/1990, as shown on plat of the V.S. Bowles Addition, an addition to the City of Dallas, Dallas County, Texas, according to the Plat recorded in Volume 2, Page 247, Map Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at an "X" cut in concrete found for corner and the most northerly corner of Lot 12, Block D/1990, of said V.S. Bowles Addition, said "X" cut also being the intersection of the Southeasterly right-of-way of Capitol Street, a variable width right-of-way with the Southwest line of a 20-foot alley as shown on the plat of said V.S. Bowles Addition and being North 38 deg 48 min 06 sec East, a distance of 180.96 feet from the intersection of the Southeasterly right-of-way of said Capitol Street and the Northeasterly right-of-way of Fitzhugh Avenue, a variable width right-of-way;

THENCE North 38 deg 48 min 06 sec East, along the Southeasterly right-of-way of said Capitol Street, a distance of 20.29 feet to a 1/2-inch iron rod with red plastic cap stamped "W.A.I." found for corner, said iron rod being the most Westerly corner of Lot 11, Block D/1990, of said V.S. Bowles Addition and being situated in the Northeast line of said 20-foot alley;

THENCE South 45 deg 17 min 22 sec East, departing the Southeasterly right-of-way of said Capitol Street, along the Southwesterly line of Lots 11 and 10, Block D/1990, of said V.S. Bowles Addition and the Northeast line of said 20-foot alley, a distance of 110.31 feet to a 1/2-inch iron rod with red plastic cap stamped "W.A.I." found for corner the Westerly corner of Lot 9, Block D/1990, of said V.S. Bowles Addition;

THENCE South 44 deg 30 min 27 sec West, over and across said 20-foot alley, a distance of 20.19 feet to a 1/2-inch iron rod with red plastic cap stamped "W.A.I." found for the Easterly corner on the Southwesterly line of said 20-foot alley, said iron rod being the Easterly corner of Lot 13, Block D/1990, of said V.S. Bowles Addition;

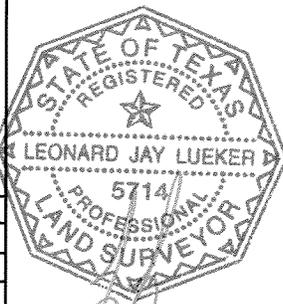
THENCE North 45 deg 17 min 22 sec West, along the Southwest line of said 20-foot alley and the Northeast line of Lots 13 and 12, Block D/1990 of said V.S. Bowles Addition, a distance of 108.29 feet to the POINT OF BEGINNING.

CONTAINING within these metes and bounds 0.050 acres or 2,206 square feet of land, more or less. Bearings cited herein are based on global positioning system (Texas state plane coordinate system, Texas north central zone [4202], North American datum of 1983 [2011]) of South 45 deg 17 min 22 sec East (plat-no bearings), along the Southwesterly right-of-way line of a 20' alley, recorded in Volume 2, Page 247, Deed Records, Dallas County, Texas.



**Winkelmann & Associates, Inc.**  
 CONSULTING CIVIL ENGINEERS ■ SURVEYORS  
 6750 HILLCREST PLAZA DRIVE, SUITE 325 (972) 490-7090  
 DALLAS, TEXAS 75230 (972) 490-7099 FAX  
 Texas Engineers Registration No. 89  
 Firm Registration/license No. 10086600 Expires 12-31-13  
 COPYRIGHT © 2013, Winkelmann & Associates, Inc.

Scale: N/A  
 Date: 01.24.14  
 Dwg. File: 70927-ALLEY-ABAND-1  
 Project No.: 70927.00



(For SPRG use only)  
 Reviewed by: JL  
 Date: 1-9-15  
 SPRG No. 3051

**SHEET**  
**1**  
**OF**  
**2**

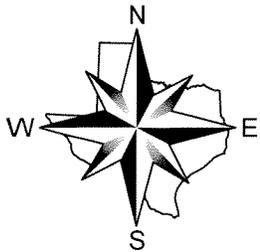
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# ALLEY ABANDONMENT

V.S. BOWLES ADDITION

DALLAS CITY BLOCK D/1990

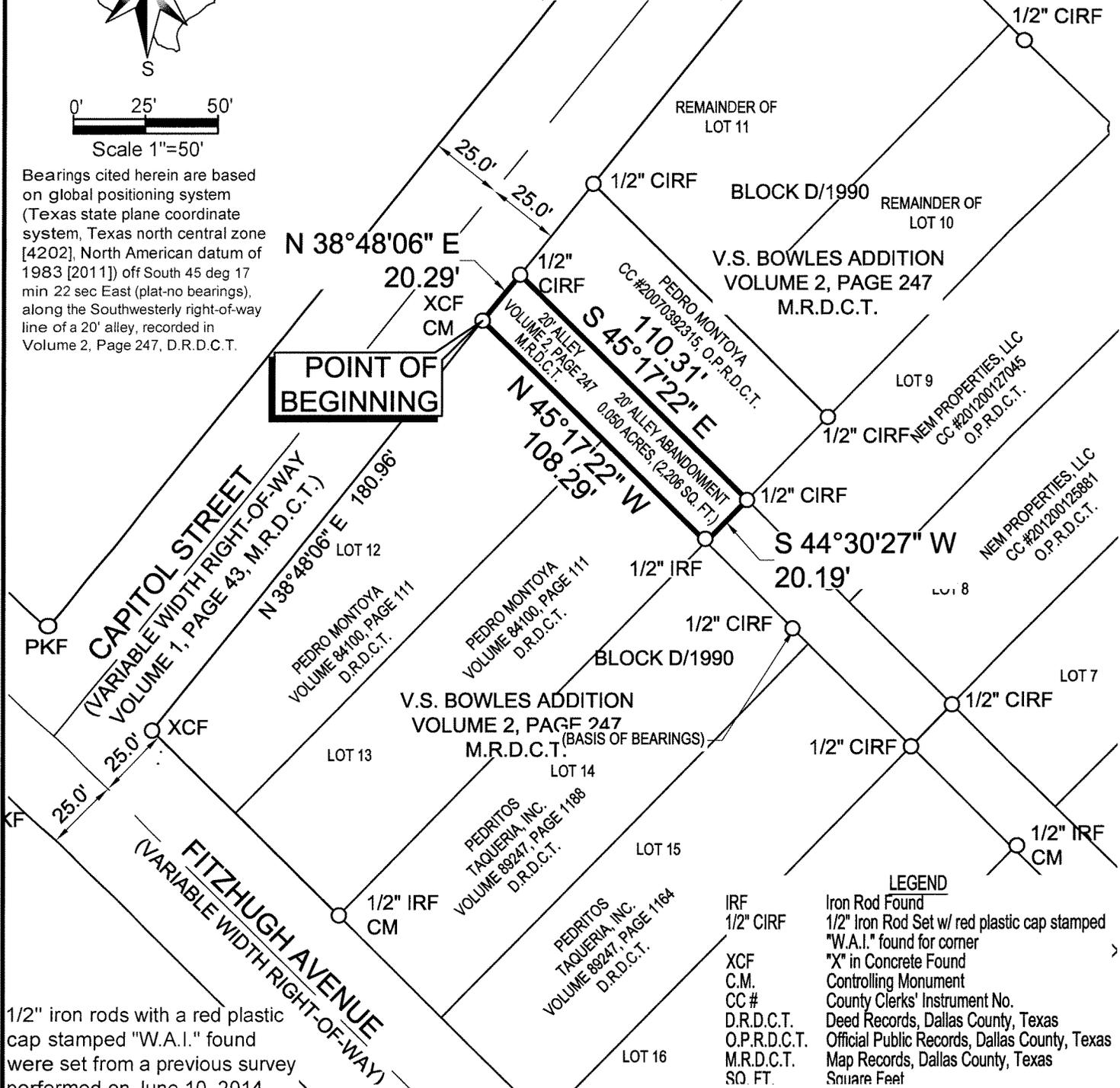
CITY OF DALLAS, DALLAS COUNTY, TEXAS



Scale 1"=50'

Bearings cited herein are based on global positioning system (Texas state plane coordinate system, Texas north central zone [4202], North American datum of 1983 [2011]) off South 45 deg 17 min 22 sec East (plat-no bearings), along the Southwesterly right-of-way line of a 20' alley, recorded in Volume 2, Page 247, D.R.D.C.T.

**POINT OF BEGINNING**



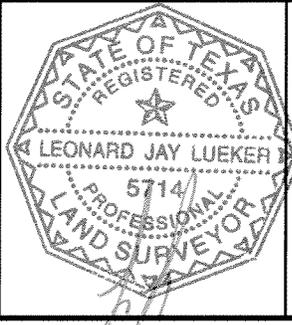
1/2" iron rods with a red plastic cap stamped "W.A.I." found were set from a previous survey performed on June 10, 2014.

**LEGEND**

- IRF Iron Rod Found
- 1/2" CIRF 1/2" Iron Rod Set w/ red plastic cap stamped "W.A.I." found for corner
- XCF "X" in Concrete Found
- C.M. Controlling Monument
- CC # County Clerks' Instrument No.
- D.R.D.C.T. Deed Records, Dallas County, Texas
- O.P.R.D.C.T. Official Public Records, Dallas County, Texas
- M.R.D.C.T. Map Records, Dallas County, Texas
- SQ. FT. Square Feet

**Winkelmann & Associates, Inc.**  
 CONSULTING CIVIL ENGINEERS ■ SURVEYORS  
 6750 HILLCREST PLAZA DRIVE, SUITE 325 DALLAS, TEXAS 75230  
 (972) 490-7090 (972) 490-7099 FAX  
 Texas Engineers Registration No. 89 Firm Registration/License No. 10096600 Expires 12-31-14  
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Scale: 1" = 50'  
 Date: 07.15.14  
 Dwg. File: 70927-ALLEY-ABAND-1  
 Project No.: 70927.00



(For SPRG use only)

Reviewed by: JL  
 Date: 1-9-15  
 SPRG No. 3051

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**OF**  
**2**

1/9/15

**ALLEY ABANDONMENT  
V.S. BOWLES ADDITION  
DALLAS CITY BLOCK D/1990  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

BEING a 420 square feet tract of land situated in the J. GRIGSBY Survey, Abstract No. 495, in the City of Dallas, Dallas, County, Texas, and being a portion of a 20-foot alley situated in City of Dallas Block D/1990, as shown on plat of the V.S. Bowles Addition, an addition to the City of Dallas, Dallas County, Texas, according to the Plat recorded in Volume 2, Page 247, Map Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." found for corner on the Southwesterly line of said 20-foot alley, said point being the East corner of Lot 13, Block D/1990, of said V.S. Bowles Addition and the North corner of Lot 14, Block D/1990, of said V.S. Bowles Addition, said point being the East corner of a tract of land described in Special Warranty Deed to Pedritos Taqueria, Inc. recorded in Volume 89247, Page 1188, Deed Records, Dallas County, Texas;

THENCE departing the Southwesterly line of said 20-foot alley, over and across said 20-foot alley, the following courses and distances:

North 44 deg 30 min 27 sec East, a distance of 10.09 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." found for corner;

South 45 deg 17 min 22 sec East, a distance of 41.33 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." found for corner;

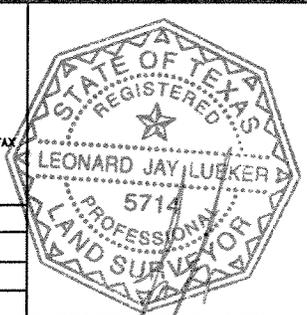
South 38 deg 48 min 06 sec West, a distance of 10.15 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." found for corner on the Northeasterly line of said Lot 14;

THENCE North 45 deg 17 min 22 sec West, along the Southwest line of said 20-foot alley and the Northeast line of said Lot 14, Block D/1990 of said V.S. Bowles Addition, a distance of 42.34 feet to the POINT OF BEGINNING.

CONTAINING within these metes and bounds 0.010 acres or 420 square feet of land, more or less. Bearings cited herein are based on global positioning system (Texas state plane coordinate system, Texas north central zone [4202], North American datum of 1983 [2011]) of South 45 deg 17 min 22 sec East (plat-no bearings), along the Southwesterly right-of-way line of a 20' alley, recorded in Volume 2, Page 247, Deed Records, Dallas County, Texas.



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SPRG No. 3140

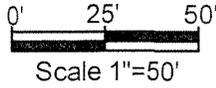
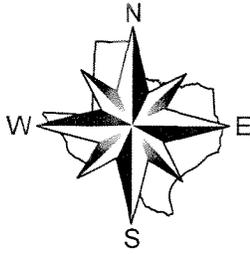
**SHEET  
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OF  
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Scale : N/A  
Date : 01.24.14  
Dwg. File : 70927-ALLEY-ABAND-3  
Project No. : 70927.00

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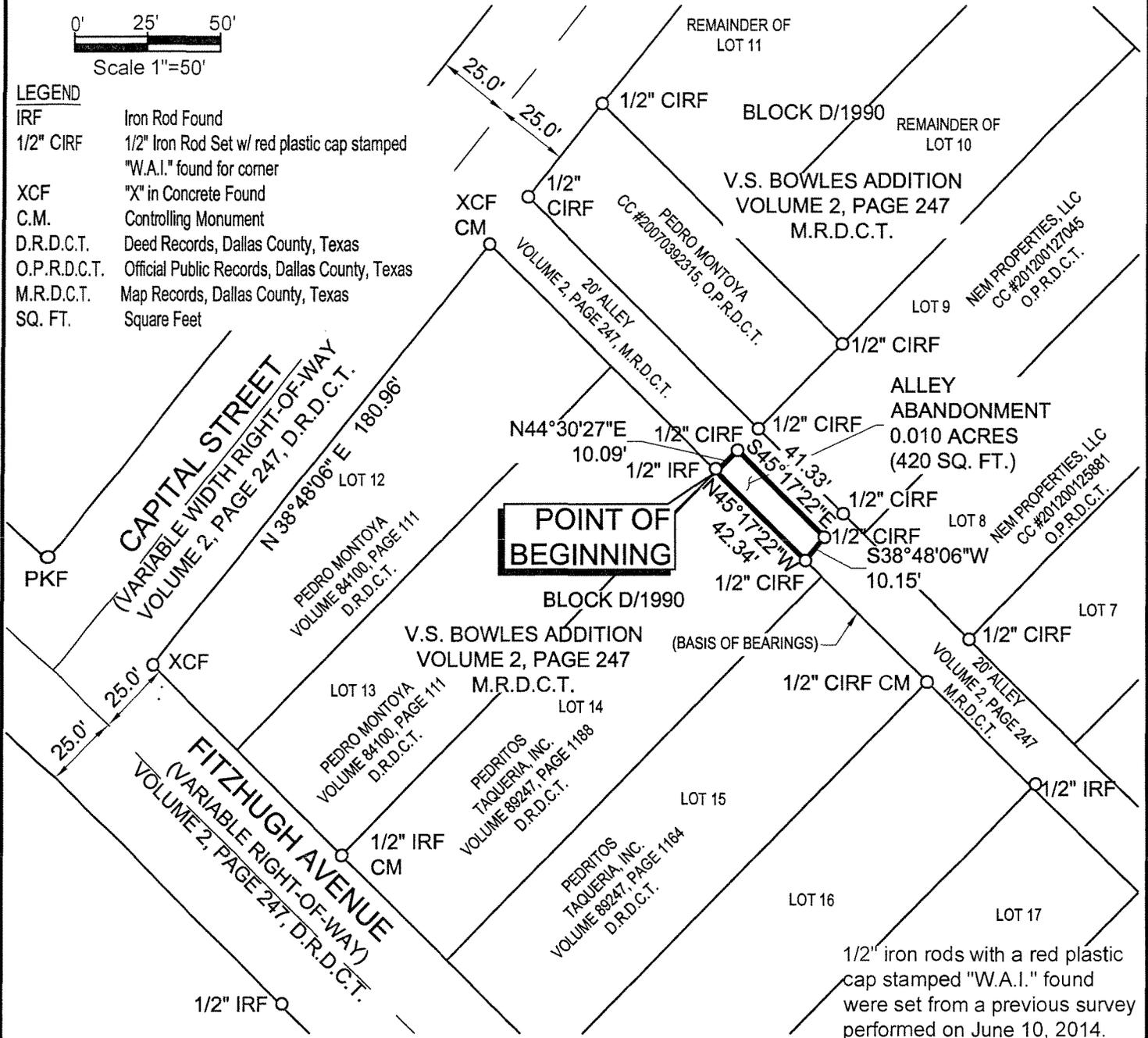
# ALLEY ABANDONMENT V.S. BOWLES ADDITION DALLAS CITY BLOCK D/1990 CITY OF DALLAS, DALLAS COUNTY, TEXAS

Bearings cited herein are based on global positioning system (Texas state plane coordinate system, Texas north central zone [4202], North American datum of 1983 [2011]) of South 45 deg 17 min 22 sec East (plat-no bearings), along the Southwesterly right-of-way of a 20' alley, recorded in Volume 2, Page 247, D.R.D.C.T.



**LEGEND**

- IRF Iron Rod Found
- 1/2" CIRF 1/2" Iron Rod Set w/ red plastic cap stamped "W.A.I." found for corner
- XCF "X" in Concrete Found
- C.M. Controlling Monument
- D.R.D.C.T. Deed Records, Dallas County, Texas
- O.P.R.D.C.T. Official Public Records, Dallas County, Texas
- M.R.D.C.T. Map Records, Dallas County, Texas
- SQ. FT. Square Feet



1/2" iron rods with a red plastic cap stamped "W.A.I." found were set from a previous survey performed on June 10, 2014.



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CONSULTING CIVIL ENGINEERS ■ SURVEYORS

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Firm Registration/license No. 10098600 Expires 12-31-14  
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Scale: 1" = 50'

Date: 07.15.14

Dwg. File: 70927-ALLEY-ABAND-3

Project No.: 70927.00



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Reviewed by: JL  
Date: 1-6-15  
SPRG No. 3140

**SHEET**

**2  
OF  
2**

**ALLEY ABANDONMENT**  
**V.S. BOWLES ADDITION**  
DALLAS CITY BLOCK D/1990  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 412 square feet tract of land situated in the J. GRIGSBY Survey, Abstract No. 495, in the City of Dallas, Dallas, County, Texas, and being a portion of a 20-foot alley situated in City of Dallas Block D/1990, as shown on plat of the V.S. Bowles Addition, an addition to the City of Dallas, Dallas County, Texas, according to the Plat recorded in Volume 2, Page 247, Map Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." found for corner on the Northeasterly line of said 20-foot alley, said point being the Southerly corner of Lot 10, Block D/1990, of said V.S. Bowles Addition and the Westerly corner of Lot 9, Block D/1990, of said V.S. Bowles Addition, said point also being the South corner of a tract of land described in deed to Pedro Montoya as recorded in County Clerk's Instrument No. 20070392315, Official Public Records, Dallas County, Texas;

THENCE South 45 deg 17 min 22 sec East, along the Northeasterly line of said 20-foot alley and the Southwesterly line of said Lot 9, a distance of 40.32 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." found for corner;

THENCE South 38 deg 48 min 06 sec West, departing the Southwesterly line of said Lot 9, over and across said 20-foot alley, a distance of 10.15 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." found for corner;

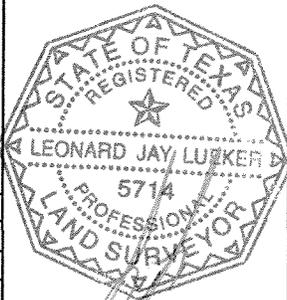
THENCE North 45 deg 17 min 22 sec West, continuing over and across said 20-foot alley, a distance of 41.33 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." found for corner;

THENCE North 44 deg 30 min 27 sec East, continuing over and across said 20-foot alley, a distance of 10.09 feet to the POINT OF BEGINNING.

CONTAINING within these metes and bounds 0.009 acres or 412 square feet of land, more or less. Bearings cited herein are based on global positioning system (Texas state plane coordinate system, Texas north central zone [4202], North American datum of 1983 [2011]) of South 45 deg 17 min 22 sec East (plat-no bearings), along the Southwesterly right-of-way line of a 20' alley, recorded in Volume 2, Page 247, Deed Records, Dallas County, Texas.

**Winkelmann & Associates, Inc.**  
CONSULTING CIVIL ENGINEERS ■ SURVEYORS  
6750 HILLCREST PLAZA DRIVE, SUITE 325 (972) 490-7090  
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**SHEET**  
**1**  
**OF**  
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Scale: N/A  
Date: 01.24.14  
Dwg. File: 70927-ALLEY-ABAND-2  
Project No.: 70927.00

*in total*

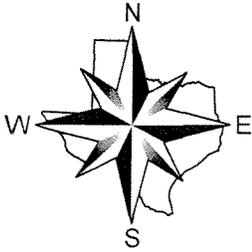
# ALLEY ABANDONMENT

## V.S. BOWLES ADDITION

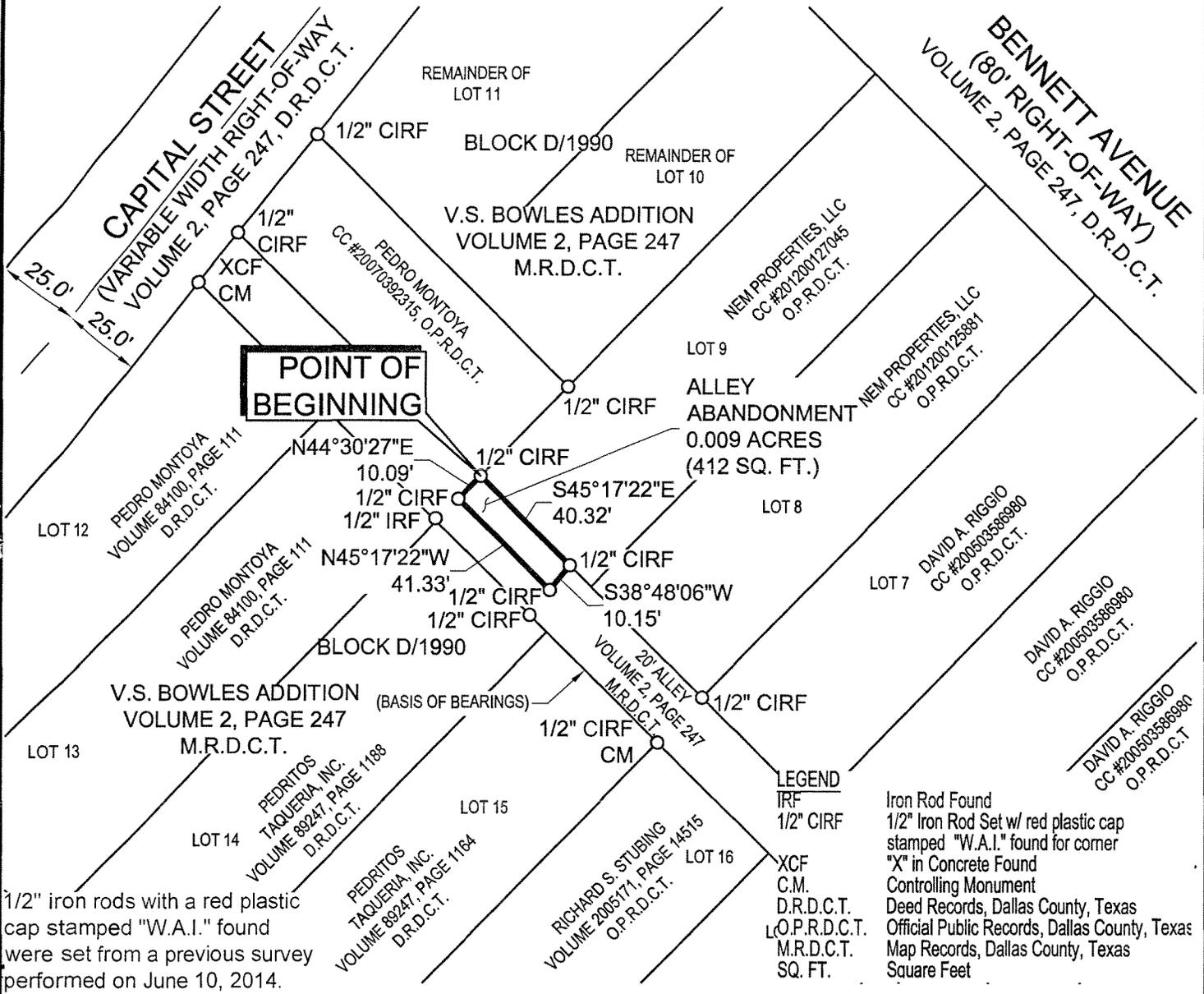
### DALLAS CITY BLOCK D/1990

CITY OF DALLAS, DALLAS COUNTY, TEXAS

Bearings cited herein are based on global positioning system (Texas state plane coordinate system, Texas north central zone [4202], North American datum of 1983 [2011]) of South 45 deg 17 min 22 sec East (plat-no bearings), along the Southwesterly right-of-way line of a 20' alley, recorded in Volume 2, Page 247, D.R.D.C.T.



0' 25' 50'  
Scale 1"=50'

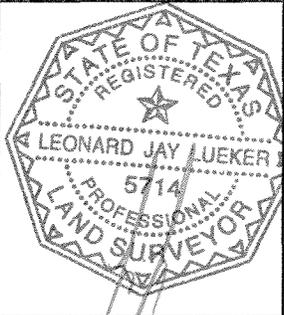


1/2" iron rods with a red plastic cap stamped "W.A.I." found were set from a previous survey performed on June 10, 2014.

**LEGEND**  
 IRF 1/2" CIRF Iron Rod Found  
 1/2" Iron Rod Set w/ red plastic cap stamped "W.A.I." found for corner  
 XCF "X" in Concrete Found  
 C.M. Controlling Monument  
 D.R.D.C.T. Deed Records, Dallas County, Texas  
 O.P.R.D.C.T. Official Public Records, Dallas County, Texas  
 M.R.D.C.T. Map Records, Dallas County, Texas  
 SQ. FT. Square Feet

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Scale : 1" = 50'  
 Date : 07.15.14  
 Dwg. File : 70927-ALLEY-ABAND-2  
 Project No. : 70927.00



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 Reviewed by: JL  
 Date: 1-2-15  
 SPRG No. 3141

**SHEET**  
**2**  
**OF**  
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17/14/14

# EXHIBIT B

## ADDITIONAL ABANDONMENT PROVISIONS

That as a condition hereof, this abandonment is subject to any utilities or communication facilities, including without limitation water and wastewater lines, gas lines, and storm sewers, ("Facilities") presently located within the abandoned area described in Exhibit "A", owned and/or operated by the City of Dallas or any utility or communications company, public or private, ("Utility") and to the rights of any Utility for the use of the abandoned area for its Facilities. It is the intent of the foregoing to confirm and maintain and there is hereby reserved and excepted unto the City of Dallas, and not abandoned or conveyed hereunder, an easement (to which this abandonment is made expressly subject) over, upon, under, through, in, and across the abandoned area for each Utility for its respective Facilities located therein at the time of this abandonment, together with the right to make any subsequent alterations, additions, expansions, upgrades or modifications to such Facilities as may, from time to time be deemed necessary or convenient by the Utility owning and/or operating same. No buildings, structures (above or below ground) or trees shall be constructed or placed within the abandoned area without written consent of each affected Utility. Each Utility shall have the full right to remove and keep removed all or part of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective Facilities lying within the abandoned area and shall at all times have the full right of ingress and egress to or from and upon the abandoned area for the purposes of reconstructing, removing, relocating, inspecting, patrolling, maintaining, expanding, upgrading, and/or adding to all or part of its Facilities without the necessity at any time of procuring the permission of anyone. The easement reserved hereunder and the conditions and restrictions to which this abandonment is subject shall remain for the benefit of the applicable Utility and/or operators of the Facilities until said Facilities are removed and relocated from the abandoned area. The relocation, removal or adjustment of any or all such Facilities, if made necessary by GRANTEE'S (whether one or more natural persons or legal entities) use of the abandonment area, shall be at the expense of GRANTEE herein, or GRANTEE'S successors and assigns. Should GRANTEE'S relocation or removal of the Facilities require the obtaining of new easements, the acquisition of same shall be at the expense of GRANTEE, GRANTEE'S successors and assigns. If any of the Facilities (or relocations thereof) are allowed to remain on any part of the abandoned area, the easements and buildings restrictions provided herein shall remain thereon. Upon removal or relocation of all of the Facilities, any easements reserved or created herein relating to such removed or relocated Facilities shall terminate, and any building restrictions herein created shall cease.

**ALLEY EASEMENT**  
**V.S. BOWLES ADDITION**  
 PORTION OF LOTS 8 AND 9  
 DALLAS CITY BLOCK D/1990  
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 3,888 square feet tract of land situated in the J. GRIGSBY SURVEY, ABSTRACT NO. 495, City of Dallas, Dallas, County, Texas, and being a portion of Lots 8 and 9, Block D/1990 of the V.S. Bowles Addition, according to the plat thereof recorded in Volume 2, Page 247, Map Records, Dallas County, Texas, same being a portion of a tract of land as described in warranty deed to NEM Properties, LLC, recorded in County Clerk's Instrument No. 201200127045, Official Public Records, Dallas County, Texas, and a portion of a tract of land as described in warranty deed to NEM Properties, LLC, recorded in County Clerk's Instrument No. 201200125881, Official Public Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with red plastic cap stamped "W.A.I." found for corner on the Southwesterly right-of-way of Bennett Avenue, an 80-foot right-of-way, and being North 45 deg 17 min 22 sec West, a distance of 7.56 feet from the most Northerly corner of said Lot 8, Block D/1990, and the East corner of said Lot 9, Block D/1990;

THENCE South 38 deg 48 min 06 sec West, departing the Southwesterly right-of-way of said Bennett Avenue, over and across said Lots 8 and 9, Block D/1990, a distance of 144.89 feet to a 1/2-inch iron rod with red plastic cap stamped "W.A.I." found for corner, said iron rod being the beginning of a curve to the left having a radius of 40.00 feet, a central angle of 84 deg 05 deg 25 sec, a chord bearing of South 03 deg 14 min 36 sec East, and a chord length of 53.58 feet;

THENCE along said curve to the left, continuing over and across said Lot 9, Block D/1990, an arc distance of 58.71 to a 1/2-inch iron rod with red plastic cap stamped "W.A.I." found for corner on the Southwest line of said Lot 8, Block D/1990 and the Northeast line of said 20-foot alley;

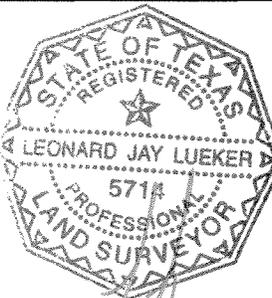
THENCE North 45 deg 17 min 22 sec West, along the Northeast line of said 20-foot alley and the Southwest line of said Lot 8 and Lot 9, Block D/1990, a distance of 56.18 feet to a 1/2-inch iron rod with red plastic cap stamped "W.A.I." found for corner;

THENCE North 38 deg 48 min 06 sec East, departing the Southwest line of said Lot 9, a distance of 180.96 feet to a 1/2-inch iron rod with red plastic cap stamped "W.A.I." found for corner on the Southwest right-of-way of said Bennett Avenue;

THENCE South 45 deg 17 min 22 sec East, along the Southwest right-of-way of said Bennett Avenue, a distance of 20.11 feet to the POINT OF BEGINNING.

CONTAINING within these metes and bounds 0.089 acres or 3,888 square feet of land, more or less. Bearings cited herein are based on global positioning system (Texas state plane coordinate system, Texas north central zone [4202], North American datum of 1983 [2011]) of South 45 deg 17 min 22 sec East (plat-no bearings), along the Southwesterly right-of-way line of a 20' alley, recorded in Volume 2, Page 247, Deed Records, Dallas County, Texas.

	<b>Winkelmann &amp; Associates, Inc.</b>
	CONSULTING CIVIL ENGINEERS ■ SURVEYORS 6750 HILLCREST PLAZA DRIVE, SUITE 325 (972) 490-7090 DALLAS, TEXAS 75230 (972) 490-7099 FAX
<small>Texas Engineers Registration No. 89 Firm Registration/license No. 10086600 Expires 12-31-13 COPYRIGHT © 2013, Winkelmann &amp; Associates, Inc.</small>	
Scale: N/A	
Date: 07.15.14	
Dwg. File: 70927-ALLEY-ESMT	
Project No.: 70927.00	



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Reviewed by:	<u>JL</u>
Date:	<u>1-9-15</u>
SPRG No.	<u>3052</u>

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OF  
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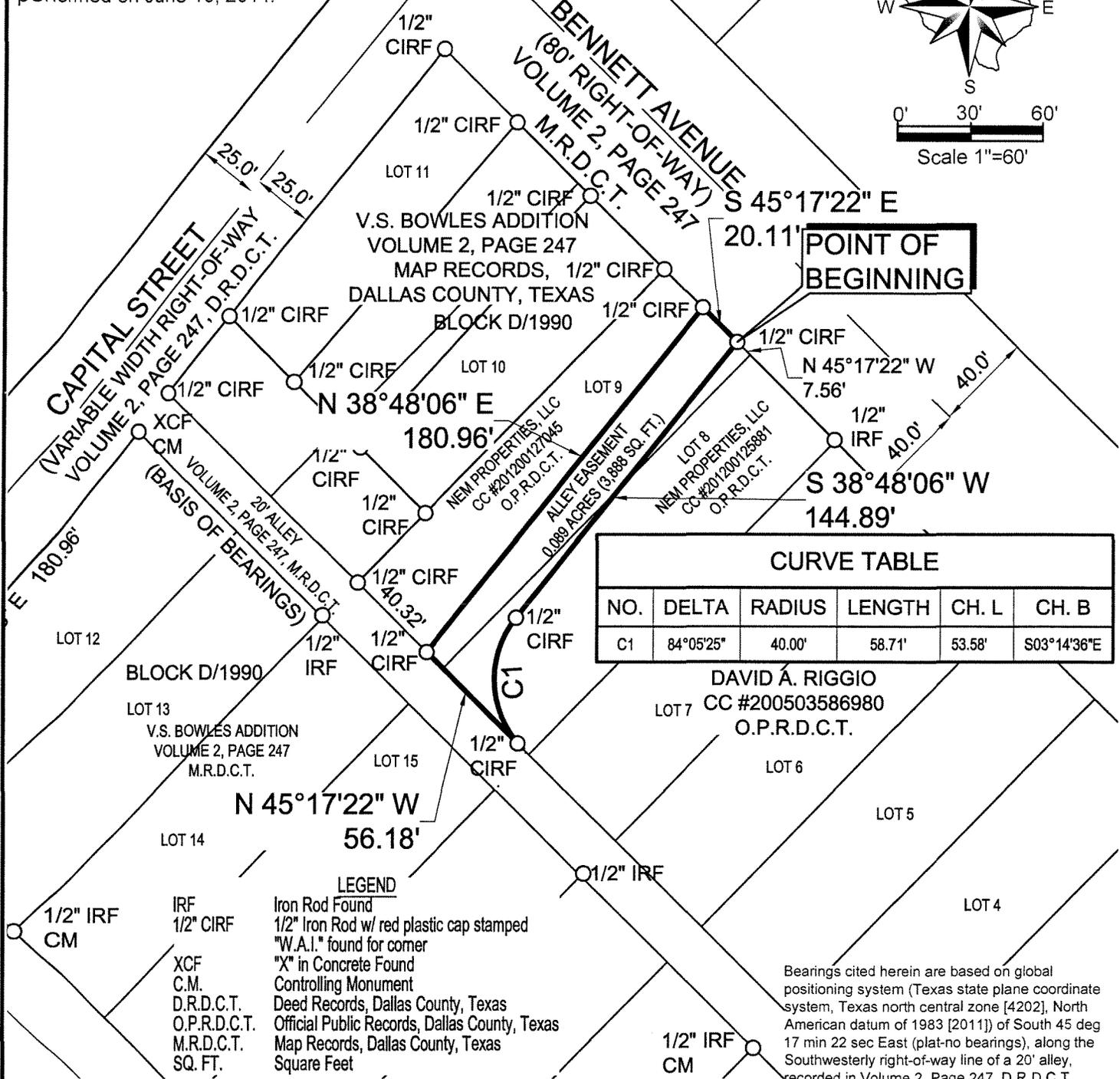
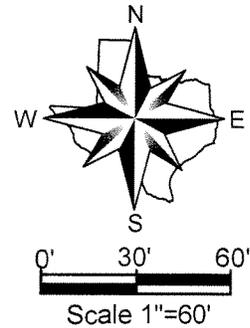
# ALLEY EASEMENT

## V.S. BOWLES ADDITION

PORTION OF LOTS 8 AND 9  
DALLAS CITY BLOCK D/1990

CITY OF DALLAS, DALLAS COUNTY, TEXAS

1/2" iron rods with a red plastic cap stamped "W.A.I." found were set from a previous survey performed on June 10, 2014.

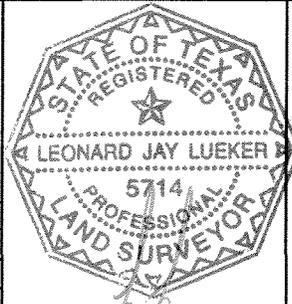


CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CH. L	CH. B
C1	84°05'25"	40.00'	58.71'	53.58'	S03°14'36"E

- LEGEND**
- IRF Iron Rod Found
  - 1/2" CIRF 1/2" Iron Rod w/ red plastic cap stamped "W.A.I." found for corner
  - XCF "X" in Concrete Found
  - C.M. Controlling Monument
  - D.R.D.C.T. Deed Records, Dallas County, Texas
  - O.P.R.D.C.T. Official Public Records, Dallas County, Texas
  - M.R.D.C.T. Map Records, Dallas County, Texas
  - SQ. FT. Square Feet

Bearings cited herein are based on global positioning system (Texas state plane coordinate system, Texas north central zone [4202], North American datum of 1983 [2011]) of South 45 deg 17 min 22 sec East (plat-no bearings), along the Southwesterly right-of-way line of a 20' alley, recorded in Volume 2, Page 247, D.R.D.C.T.

**Winkelmann & Associates, Inc.**  
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Date: 1-9-15  
SPRG No. 3052

**SHEET**  
**2**  
**OF**  
**2**

Scale: 1" = 60'  
Date: 07.15.14  
Dwg. File: 70927-ALLEY-ESMT  
Project No.: 70927.00

1/9/15

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** April 22, 2015  
**COUNCIL DISTRICT(S):** 14  
**DEPARTMENT:** Trinity Watershed Management  
**CMO:** Jill A. Jordan, P.E., 670-5299  
**MAPSCO:** 45D

---

**SUBJECT**

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Ami P. Shah, of a subsurface easement under approximately 491 square feet of land located on Soho Lane near its intersection with San Jacinto Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed \$3,517 (\$1,817 plus closing costs and title expenses not to exceed \$1,700) - Financing: 2006 Bond Funds

**BACKGROUND**

This item is on the addendum to expedite the acquisition process in order to meet the project schedule.

This item authorizes the acquisition of a subsurface easement located under approximately 491 square feet of land from Ami P. Shah. This property is located on Soho Lane near its intersection with San Jacinto Street and will be used for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project. The consideration is based on an independent appraisal.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

This item has no prior action.

**FISCAL INFORMATION**

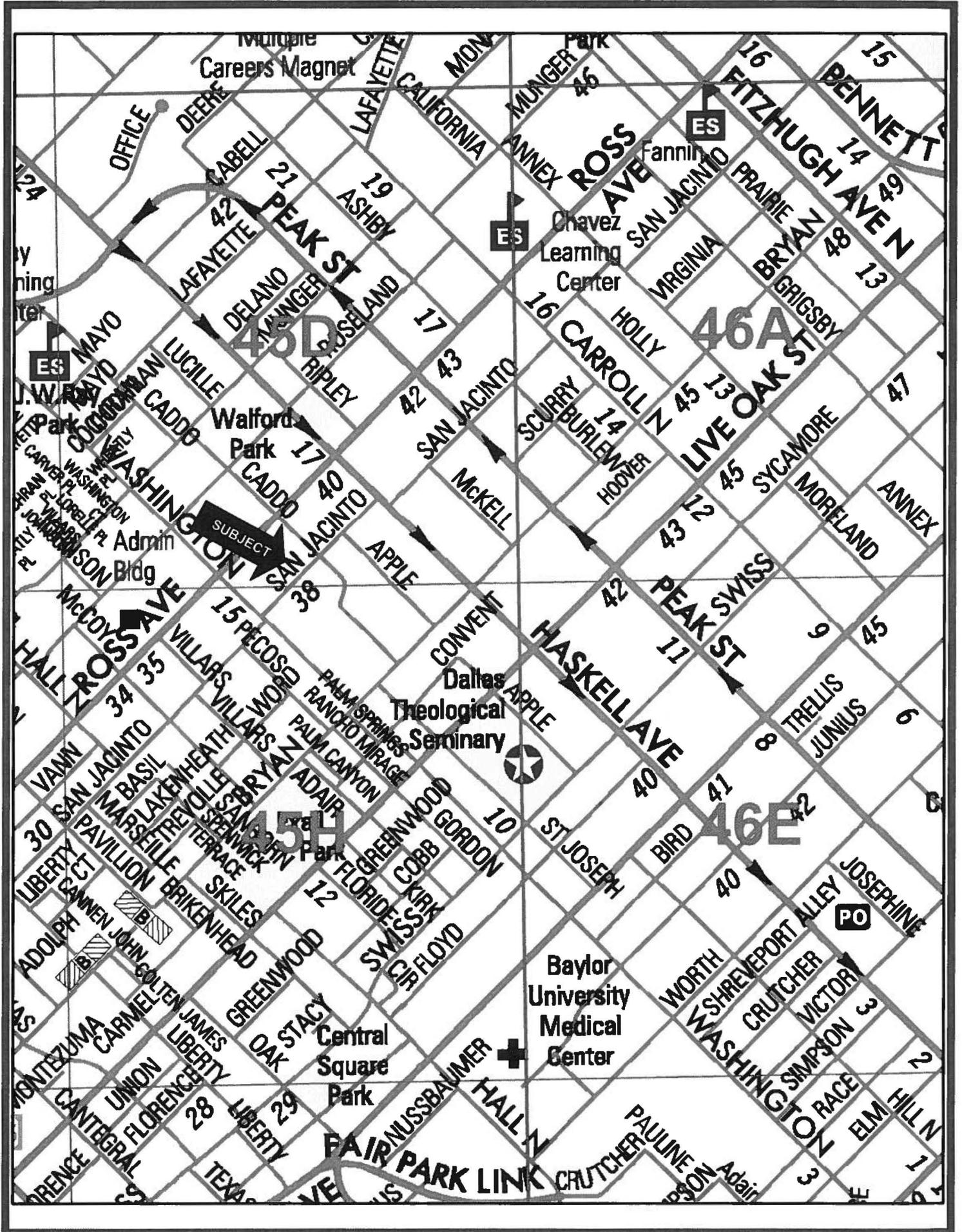
2006 Bond Funds - \$3,517 (\$1,817 plus closing costs and title expenses not to exceed \$1,700)

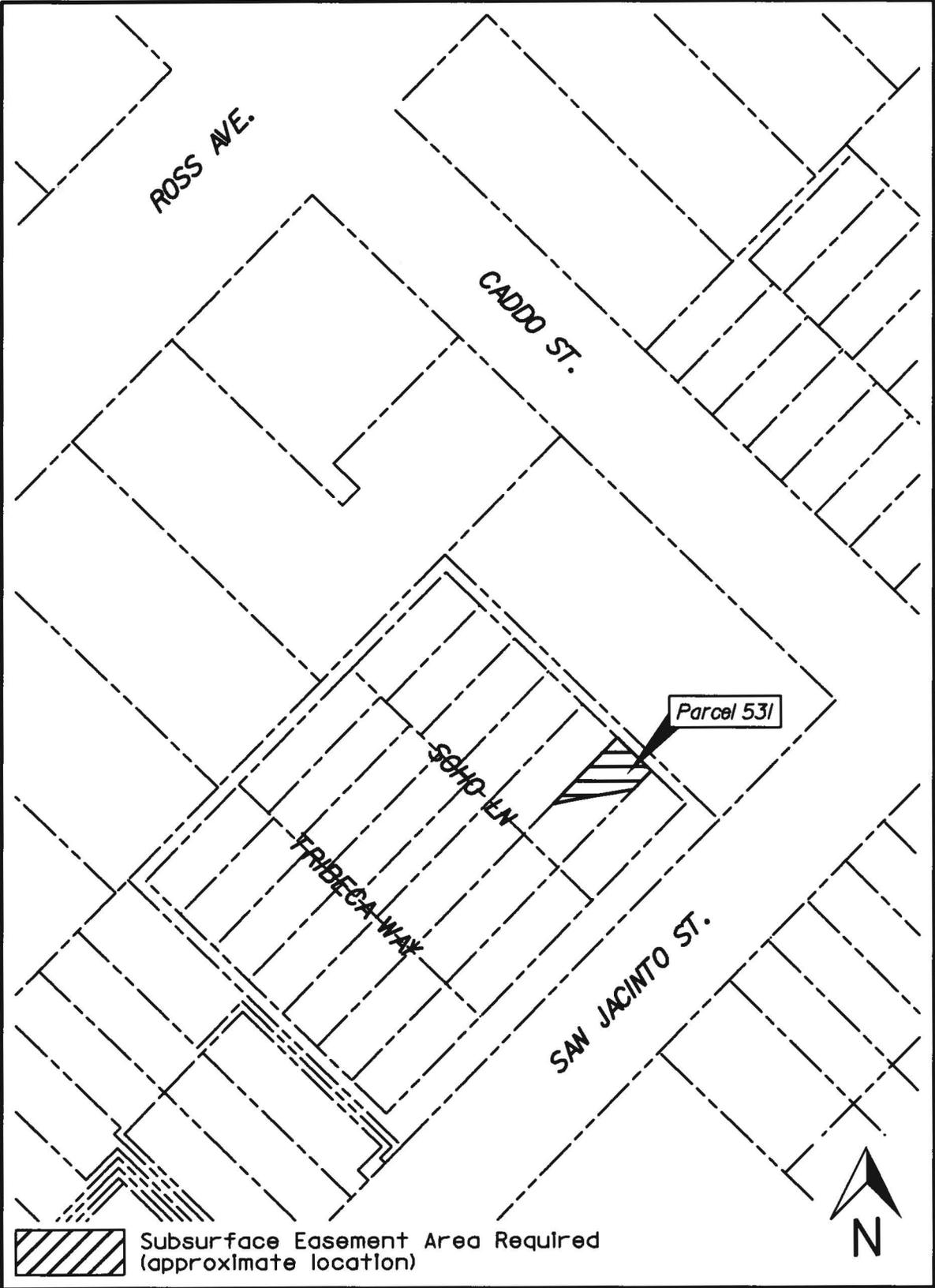
**OWNER**

Ami P. Shah

**MAPS**

Attached





April 22, 2015

**A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION AND/OR CONDEMNATION FOR PUBLIC USE.**

**DEFINITIONS:** For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas

"PROPERTY": Located under approximately 491 square feet in area, lying between the subsurface elevations of 229 feet and 403 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, the boundary of which property being more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project

"USE": The below ground construction, installation, use, and maintenance of a deep tunnel for storage and transmission of storm drainage.

"PROPERTY INTEREST": Flood Control Tunnel Easement

"OWNER": Ami P. Shah, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"OFFER AMOUNT": \$1,817.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$1,700.00

"AUTHORIZED AMOUNT": \$3,517.00

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**SECTION 1.** That the USE of the PROPERTY for the PROJECT is a public use.

**SECTION 2.** That public necessity requires that the CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

April 22, 2015

**SECTION 3.** That for the purpose of acquiring the PROPERTY INTEREST in the PROPERTY, the Assistant Director of the Department of Sustainable Development and Construction Department, Real Estate Division, or such person as she may designate, is hereby authorized and directed to offer the OFFER AMOUNT as payment for the PROPERTY INTEREST in the PROPERTY.

**SECTION 4.** That in the event the OWNER accepts the OFFER AMOUNT, the Chief Financial Officer is authorized and directed to draw a warrant in favor of the OWNER, the then current owner of record, or the title company closing the transaction described herein in the OFFER AMOUNT payable out of 2006 Bond Funds: Fund No. 1T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. CT-PBW06T525G33, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 1T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. CT-PBW06T525G34. The OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 5.** That the CITY is to have possession of the PROPERTY at closing; and the CITY will pay the CLOSING COSTS AND TITLE EXPENSES. In the event of condemnation, the CITY will pay costs as may be assessed by the Special Commissioners or the court. Further, that expenses determined by the City Attorney to be necessary are authorized for payment. All costs and expenses described in this section shall be paid from the previously described funds.

**SECTION 6.** That if the OWNER refuses to accept the OFFER AMOUNT, the CITY will appropriate the PROPERTY INTEREST in the PROPERTY for the PROJECT under the laws of eminent domain and the provisions of the Charter of the City of Dallas. In such case, the City Attorney is authorized and requested to file the necessary proceeding(s) and take the necessary action for the prompt acquisition of the PROPERTY INTEREST in the PROPERTY by condemnation or in any manner provided by law.

**SECTION 7.** That in the event it is subsequently determined that additional persons other than those named herein have an interest in the PROPERTY, the City Attorney is authorized and directed to join said parties as defendants in said condemnation proceedings or suit(s).

**SECTION 8.** That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

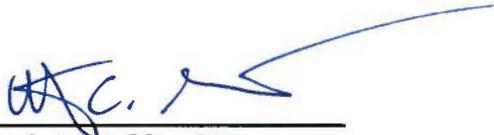
**SECTION 9.** That OWNER has been provided with a copy of the Landowner's Bill of Rights as required by Texas Property Code Section 21.0112.

April 22, 2015

**SECTION 10.** That in the event the City Attorney files a condemnation proceeding because the OWNER refused to accept the OFFER AMOUNT; and in the event the special commissioners appointed by the Court return an award that is the same amount or less than the OFFER AMOUNT, the City Attorney is hereby authorized to deposit the award in the registry of the Court and to settle the condemnation proceeding, or if the condemnation proceeding becomes a lawsuit, the lawsuit, for an amount not to exceed the OFFER AMOUNT; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the OFFER AMOUNT made payable to the County Clerk of Dallas County, to be deposited into the registry of the Court, to enable the CITY to take possession of the PROPERTY without further action of the Dallas City Council; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed \$1,700.00 for CLOSING COSTS AND TITLE EXPENSES in favor of the title company closing the transaction described herein. The Award, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 11.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**APPROVED AS TO FORM:**  
**WARREN M. S. ERNST, City Attorney**

BY 

Assistant City Attorney

FIELD NOTES DESCRIBING A 491 SQUARE FOOT (0.0113 ACRE)  
SUB-SURFACE DRAINAGE TUNNEL EASEMENT  
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 531)  
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 641,  
PART OF LOT 35, SAN JACINTO LOFTS,  
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS  
FROM AMI P. SHAH

**EXHIBIT A**

BEING a 491 square foot (0.0113 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, in City Block 641 in the City of Dallas, Dallas County, Texas, and being part of Lot 35 of San Jacinto Lofts, an addition to the City of Dallas according to the map of said San Jacinto Lofts addition recorded in Instrument No. 200600246516 of the Official Public Records of Dallas County, Texas, and being part of that tract of land described in Special Warranty Deed to Ami P. Shah recorded in Instrument No. 201200162021 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

(Note: Subsurface easement corners not monumented.)

COMMENCING at a PK nail (controlling monument) found for the south corner of said Lot 35 and the west corner of Lot 36, and the north corner of Lot 23 and the east corner of Lot 24 of said San Jacinto Lofts addition;

THENCE North 44 degrees 06 minutes 00 seconds East, with the northwesterly line of said Lot 36 and said southeasterly line of Lot 35 of said San Jacinto Lofts addition, 45.55 feet to the POINT OF BEGINNING having coordinates of N=6977582.0248, E=2495583.3688 (not monumented), same being the point of curvature of a non-tangent circular curve to the left having a central angle of 01 degree 26 minutes 37 seconds, a radius of 1,355.00 feet, a tangent of 17.07 feet and a chord which bears South 79 degrees 57 minutes 43 seconds West, 34.14 feet;

THENCE Westerly, departing said southeasterly line of Lot 35 and said northwesterly line of Lot 36, and over said Lot 35 with said curve to the left, an arc distance of 34.14 feet to the end of said curve having coordinates of N=6977576.0756, E=2495549.7564 (not monumented), said end of curve being on the northwesterly line of said Lot 35 and the southeasterly line of Lot 34 of said San Jacinto Lofts addition, from whence a PK nail found (controlling monument) for the west corner of said Lot 35 and the south corner of said Lot 34, and the north corner of Lot 24 and east corner of Lot 25 of said San Jacinto Lofts addition bears South 44 degrees 06 minutes 00 seconds West 17.88 feet;

THENCE North 44 degrees 06 minutes 00 seconds East, with said northwesterly line of Lot 35 and said southeasterly line of Lot 34, 38.52 feet to the north corner of Lot 35 and the east corner of Lot 34 having coordinates of N=6977603.7358, E=2495576.5607 (not monumented), said corner being on the southwesterly line of a 5' Shared Access and Common Area by plat of said San Jacinto Lofts addition;



FIELD NOTES DESCRIBING A 491 SQUARE FOOT (0.0113 ACRE)  
SUB-SURFACE DRAINAGE TUNNEL EASEMENT  
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 531)  
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 641,  
PART OF LOT 35, SAN JACINTO LOFTS,  
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS  
FROM AMI P. SHAH

**EXHIBIT A**

THENCE South 45 degrees 54 minutes 00 seconds East, departing said northwesterly line of Lot 35 and the southeasterly line of Lot 34 and with the northeasterly line of Lot 35 and southwesterly line of said 5' Shared Access and Common Area, 20.00 feet to the east corner of said Lot 35 and the north corner of said Lot 36 having coordinates of N=6977589.8187, E=2495590.9218 (not monumented);

THENCE South 44 degrees 06 minutes 00 seconds West, departing said northeasterly line of Lot 35 and said southwesterly line of said 5' Shared Access and Common Area, and with said southeasterly line of Lot 35 and said northwesterly line of Lot 36, 10.85 feet to the POINT OF BEGINNING and containing 491 square feet (0.0113 acre) of land, more or less.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.000136506

For Nathan D. Maier Consulting Engineers, Inc.

  
\_\_\_\_\_  
Gary W. Matthews  
Registered Professional Land Surveyor  
Texas No. 5534 9.13.2013



FIELD NOTES APPROVED:

DER 10/23/13

JOHN GRIGSBY SURVEY  
ABSTRACT NUMBER 495



SCALE 1"=50'

BLOCK 2/642  
KNOX ADDITION  
VOL. 277, PG. 361  
M.R.D.C.T.

ROSS AVENUE  
(80' RIGHT-OF-WAY)

CADDO STREET  
(50' RIGHT-OF-WAY)

SAN JACINTO LOTS II ADDITION  
INST. NO. 20080053458  
O.P.R.D.C.T.

JENSEN COURT  
20' SHARED ACCESS AREA

LOT 2  
SARKIS J. KECHEJIAN TRUST  
INST. NO. 200900005925  
O.P.R.D.C.T.

BLOCK 1/642  
KNOX ADDITION  
VOL. 277, PG. 361  
M.R.D.C.T.

LOT 1  
SARKIS J. KECHEJIAN TRUST  
INST. NO. 200900005925  
O.P.R.D.C.T.

BLOCK 1/642  
KNOX ADDITION  
VOL. 277, PG. 361  
M.R.D.C.T.

BLOCK 1/642  
LOT 21  
KNOX ADDITION  
VOL. 277, PG. 361  
M.R.D.C.T.

641 HOLDINGS LLC  
INST. NO. 201200298014  
O.P.R.D.C.T.

(UNPLATTED)  
ESTATE OF GEORGE TAN  
VOL. 526, PG. 585  
PROBATE RECORDS  
DALLAS COUNTY, TEXAS

BLOCK 641

\*SEE DETAIL ON  
PAGE 4 OF 4\*

BLOCK 641  
(UNPLATTED)  
GORDON W. ELDEN  
VOL. 2003241, PG. 10584  
O.P.R.D.C.T.

TRIBECA WAY  
20' SHARED ACCESS AREA

SOHO LANE  
20' SHARED ACCESS AREA

PARCEL 531

LOT 16  
ROBERT & WESSIE WOODS  
INST. NO. 200800398011  
O.P.R.D.C.T.

LOT 17  
LASHLEY DANKERS  
INST. NO. 20100014153  
O.P.R.D.C.T.

LOT 18  
ERIC & USA SUPERLUND  
INST. NO. 201100007874  
O.P.R.D.C.T.

LOT 19  
RONALD & ANJAN  
VOL. 2003088, PG. 1089  
O.P.R.D.C.T.

LOT 20  
RONALD SUPERLUND  
VOL. 200315, PG. 1484  
O.P.R.D.C.T.

BLOCK 641  
SAN JACINTO LOFTS  
INST. NO. 200600246516  
O.P.R.D.C.T.

SAN JACINTO STREET  
(50' RIGHT-OF-WAY)



FIELD NOTES APPROVED:  
DER 10/23/11

NOTE: SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED.

PAGE 3 OF 4

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

LEGEND	
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
ESMT.	EASEMENT
SQ. FT.	SQUARE FEET
---	RIGHT-OF-WAY LINE
---	EASEMENT LINE
---	SUBDIVISION LINE
---	PROPERTY LINE
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
CM	CONTROLLING MONUMENT
FPK	FOUND PK NAIL
FX	FOUND "X"

491 SQ. FT. (0.0113 ACRE) SUB-SURFACE DRAINAGE TUNNEL EASEMENT CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 531) TO BE ACQUIRED IN CITY OF DALLAS BLOCK 641, PART OF LOT 35, SAN JACINTO LOFTS, JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495 CITY OF DALLAS, DALLAS COUNTY, TEXAS FROM AMI P. SHAH



NATHAN D. MAIER  
CONSULTING ENGINEERS, INC.  
TBPE FIRM REG. NO. F-356  
TBPLS FIRM REG. NO. 100189-00

Two Northpark / 8080 Park Lane / Suite 600  
Dallas, Texas 75231 / (214) 739-4741

09/013/2013

PARCEL-531.DWG

BLOCK 1/642, LOT 21  
KNOX ADDITION  
VOL. 277, PG. 361  
M.R.D.C.T.

EXHIBIT A



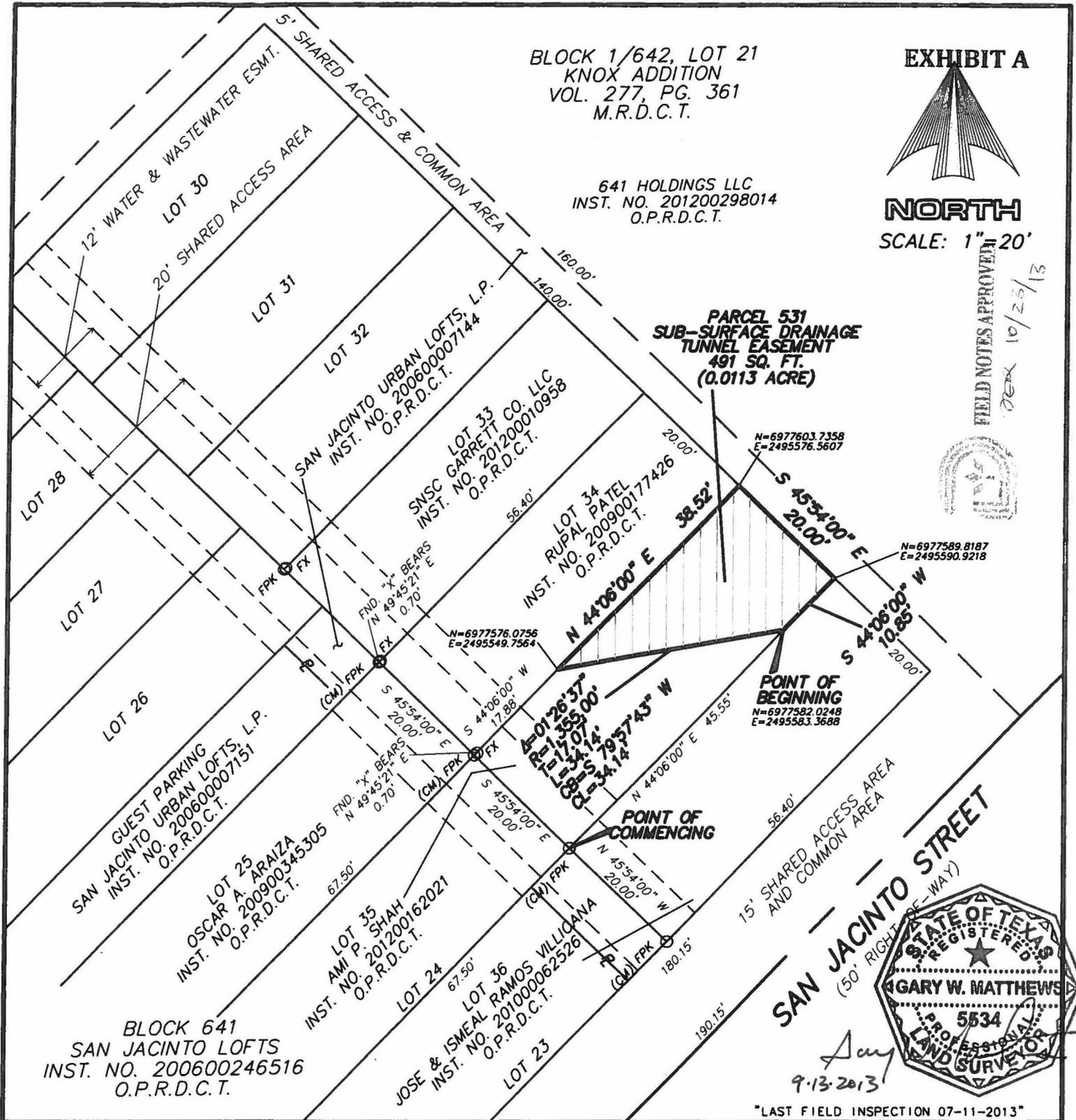
**NORTH**

SCALE: 1" = 20'

641 HOLDINGS LLC  
INST. NO. 201200298014  
O.P.R.D.C.T.

**PARCEL 531  
SUB-SURFACE DRAINAGE  
TUNNEL EASEMENT  
491 SQ. FT.  
(0.0113 ACRE)**

FIELD NOTES APPROVED  
DEX 10/25/13



N=6977603.7358  
E=2495576.5607

N=6977589.8187  
E=2495590.9218

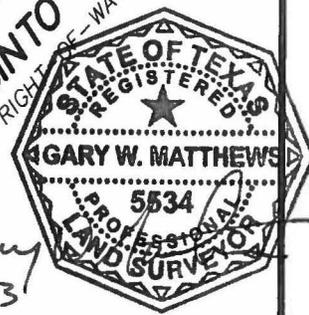
N=6977576.0756  
E=2495549.7564

**POINT OF BEGINNING**  
N=6977582.0248  
E=2495583.3688

**POINT OF COMMENCING**

BLOCK 641  
SAN JACINTO LOFTS  
INST. NO. 200600246516  
O.P.R.D.C.T.

**SAN JACINTO STREET**  
(50' RIGHT-OF-WAY)



*Day*  
9-13-2013

"LAST FIELD INSPECTION 07-11-2013"

NOTE: SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED.

PAGE 4 OF 4

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

**LEGEND**

D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS	---	RIGHT-OF-WAY LINE
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS	---	EASEMENT LINE
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS	---	SUBDIVISION LINE
INST. NO.	INSTRUMENT NUMBER	---	PROPERTY LINE
VOL., PG.	VOLUME, PAGE	IRF	IRON ROD FOUND
ESMT.	EASEMENT	IPF	IRON PIPE FOUND
SQ. FT.	SQUARE FEET	CM	CONTROLLING MONUMENT
		FPK	FOUND PK NAIL
		FX	FOUND "X"

491 SQ. FT. (0.0113 ACRE) SUB-SURFACE DRAINAGE TUNNEL EASEMENT CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 531) TO BE ACQUIRED IN CITY OF DALLAS BLOCK 641, PART OF LOT 35, SAN JACINTO LOFTS, JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495 CITY OF DALLAS, DALLAS COUNTY, TEXAS FROM AMI P. SHAH



NATHAN D. MAIER  
CONSULTING ENGINEERS, INC.  
TBPE FIRM REG. NO. F-356  
TBPLS FIRM REG. NO. 100189-00

Two Northpark / 8080 Park Lane / Suite 600  
Dallas, Texas 75231 / (214) 739-4741

09/13/2013

PARCEL-531.DWG



**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** April 22, 2015  
**COUNCIL DISTRICT(S):** 14  
**DEPARTMENT:** Trinity Watershed Management  
**CMO:** Jill A. Jordan, P.E., 670-5299  
**MAPSCO:** 45H

---

**SUBJECT**

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from AT&T Communications of the Southwest, Inc., of a subsurface easement under approximately 10,167 square feet of land located on Haskell Avenue at its intersection with Bryan Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed \$37,568 (\$34,568 plus closing costs and title expenses not to exceed \$3,000) – Financing: 2006 Bond Funds

**BACKGROUND**

This item is on the addendum to expedite the acquisition process in order to meet the project schedule.

This item authorizes the acquisition of a subsurface easement located under approximately 10,167 square feet of land from AT&T Communications of the Southwest, Inc. This property is located on Haskell Avenue at its intersection with Bryan Street and will be used for the Mill Creek/Peaks Branch/ State Thomas Drainage Relief Tunnel Project. The consideration is based on an independent appraisal.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

This item has no prior action.

**FISCAL INFORMATION**

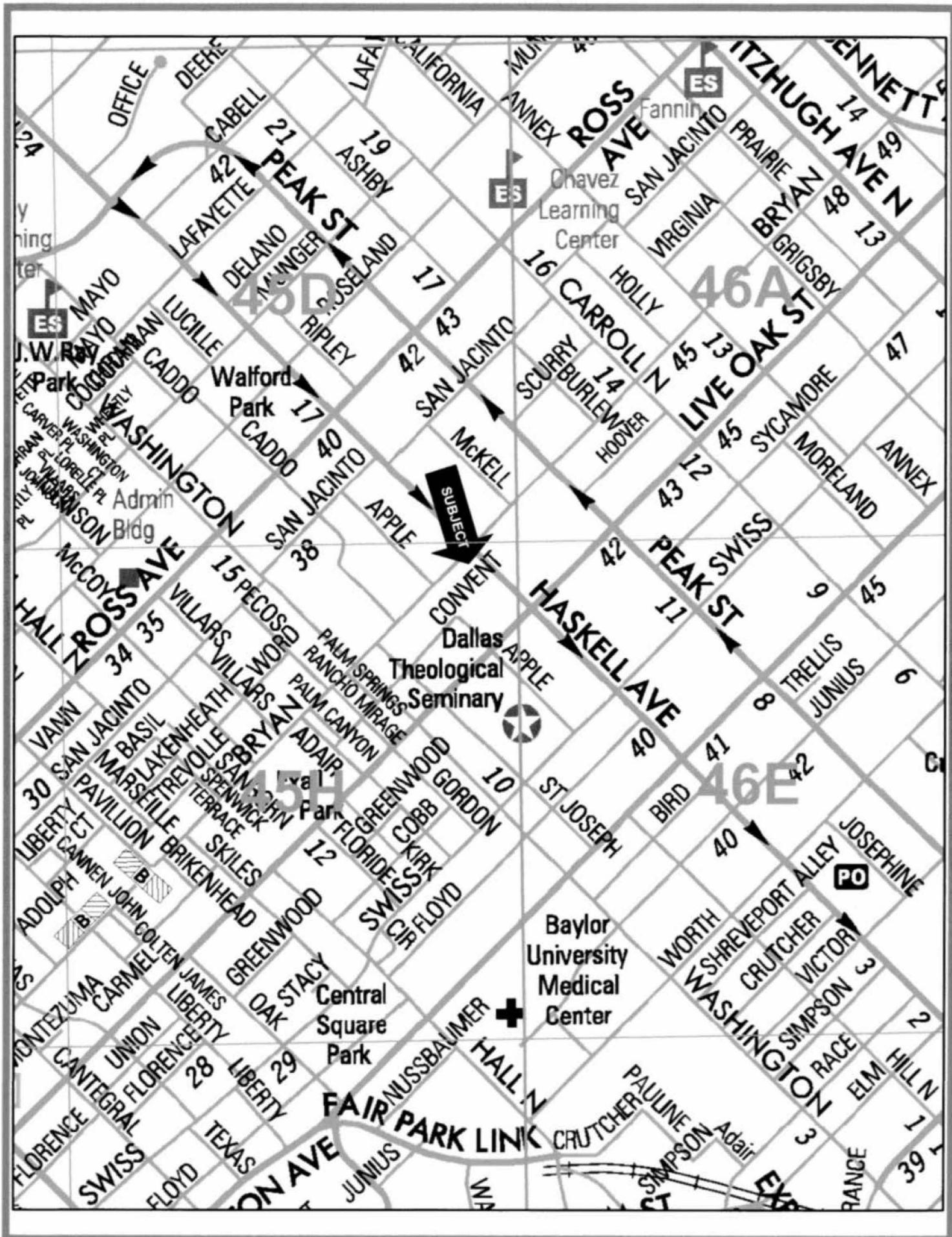
2006 Bond Funds - \$37,568 (\$34,568 plus closing costs and title expenses not to exceed \$3,000)

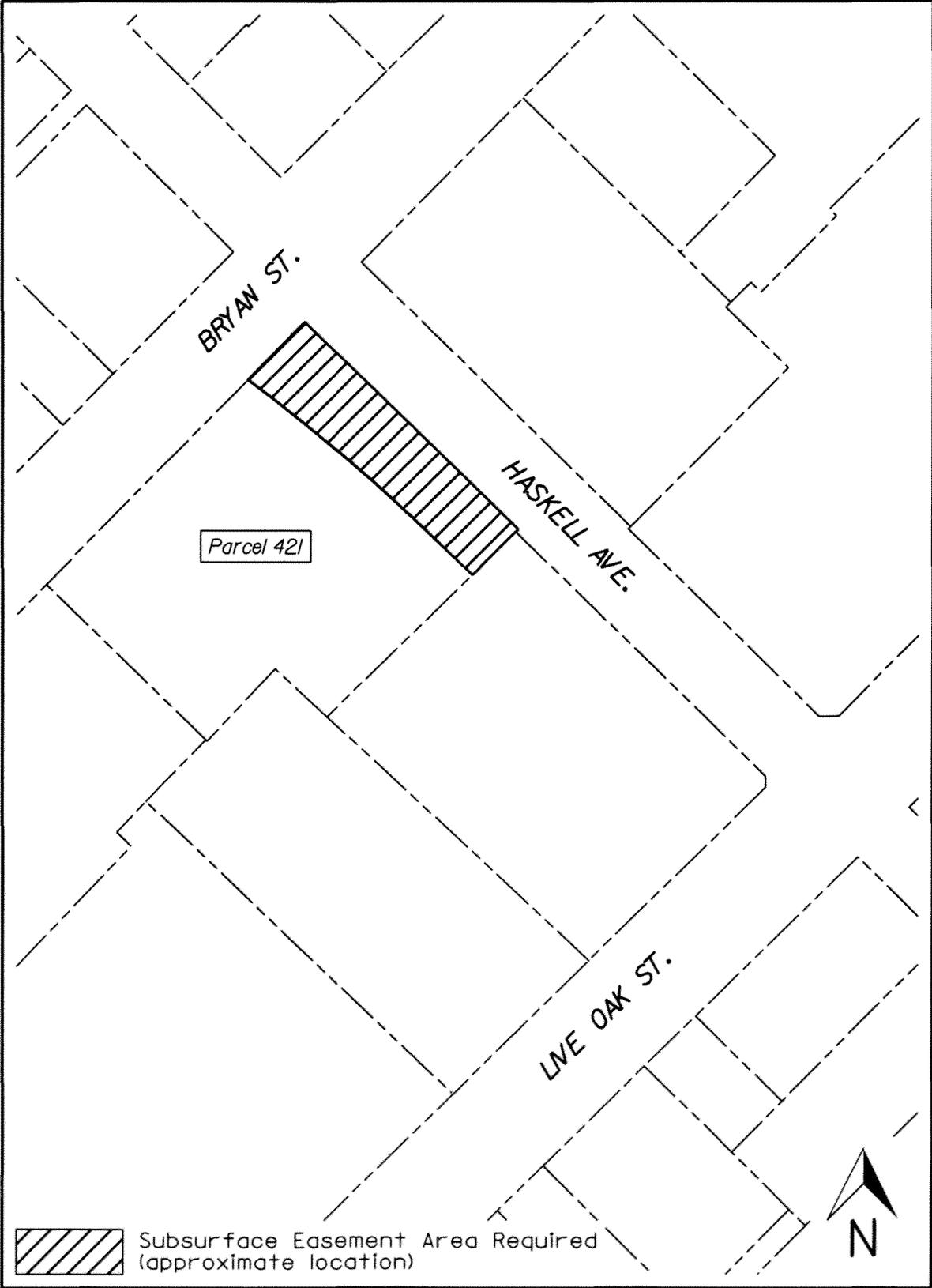
**OWNER**

AT&T Communications of the Southwest, Inc.

**MAPS**

Attached





April 22, 2015

**A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION AND/OR CONDEMNATION FOR PUBLIC USE.**

**DEFINITIONS:** For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas

"PROPERTY": Located under approximately 10,167 square feet in area, lying between the subsurface elevations of 223 feet and 397 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, the boundary of which property being more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project

"USE": The below ground construction, installation, use, and maintenance of a deep tunnel for storage and transmission of storm drainage.

"PROPERTY INTEREST": Flood Control Tunnel Easement

"OWNER": AT&T Communications of the Southwest, Inc., provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"OFFER AMOUNT": \$34,568.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$3,000.00

"AUTHORIZED AMOUNT": \$37,568.00

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**SECTION 1.** That the USE of the PROPERTY for the PROJECT is a public use.

**SECTION 2.** That public necessity requires that the CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

April 22, 2015

**SECTION 3.** That for the purpose of acquiring the PROPERTY INTEREST in the PROPERTY, the Assistant Director of the Department of Sustainable Development and Construction Department, Real Estate Division, or such person as she may designate, is hereby authorized and directed to offer the OFFER AMOUNT as payment for the PROPERTY INTEREST in the PROPERTY.

**SECTION 4.** That in the event the OWNER accepts the OFFER AMOUNT, the Chief Financial Officer is authorized and directed to draw a warrant in favor of the OWNER, the then current owner of record, or the title company closing the transaction described herein in the OFFER AMOUNT payable out of 2006 Bond Funds: Fund No. 1T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. CT-PBW06T525G42, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 1T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. CT-PBW06T525G43. The OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 5.** That the CITY is to have possession of the PROPERTY at closing; and the CITY will pay the CLOSING COSTS AND TITLE EXPENSES. In the event of condemnation, the CITY will pay costs as may be assessed by the Special Commissioners or the court. Further, that expenses determined by the City Attorney to be necessary are authorized for payment. All costs and expenses described in this section shall be paid from the previously described funds.

**SECTION 6.** That if the OWNER refuses to accept the OFFER AMOUNT, the CITY will appropriate the PROPERTY INTEREST in the PROPERTY for the PROJECT under the laws of eminent domain and the provisions of the Charter of the City of Dallas. In such case, the City Attorney is authorized and requested to file the necessary proceeding(s) and take the necessary action for the prompt acquisition of the PROPERTY INTEREST in the PROPERTY by condemnation or in any manner provided by law.

**SECTION 7.** That in the event it is subsequently determined that additional persons other than those named herein have an interest in the PROPERTY, the City Attorney is authorized and directed to join said parties as defendants in said condemnation proceedings or suit(s).

**SECTION 8.** That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

**SECTION 9.** That OWNER has been provided with a copy of the Landowner's Bill of Rights as required by Texas Property Code Section 21.0112.

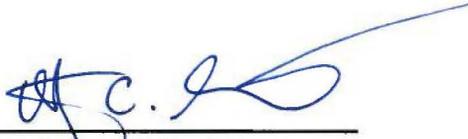
April 22, 2015

**SECTION 10.** That in the event the City Attorney files a condemnation proceeding because the OWNER refused to accept the OFFER AMOUNT; and in the event the special commissioners appointed by the Court return an award that is the same amount or less than the OFFER AMOUNT, the City Attorney is hereby authorized to deposit the award in the registry of the Court and to settle the condemnation proceeding, or if the condemnation proceeding becomes a lawsuit, the lawsuit, for an amount not to exceed the OFFER AMOUNT; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the OFFER AMOUNT made payable to the County Clerk of Dallas County, to be deposited into the registry of the Court, to enable the CITY to take possession of the PROPERTY without further action of the Dallas City Council; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed \$3,000.00 for CLOSING COSTS AND TITLE EXPENSES in favor of the title company closing the transaction described herein. The Award, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 11.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**APPROVED AS TO FORM:  
WARREN M. S. ERNST, City Attorney**

BY



**Assistant City Attorney**

FIELD NOTES DESCRIBING A 0.2334-ACRE (10,167-SQUARE-FOOT)  
SUB-SURFACE DRAINAGE TUNNEL EASEMENT  
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 421)  
PART OF CITY BLOCK 722 (UNPLATTED)  
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS  
FROM AT&T COMMUNICATIONS OF THE SOUTHWEST, INC.

EXHIBIT A

**BEING** a 0.2334-acre (10,167-square-foot) tract of land situated in the City of Dallas and the John Grigsby Survey, Abstract Number 495, Dallas County, Texas, and being part of City of Dallas Block 722 (unplatted) and being part of that certain tract of land released, remised, and quitclaimed to AT&T Communications of the Southwest, Inc. as evidenced by Quitclaim Deed recorded in Volume 84004, Page 2450 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

(NOTE: Subsurface easement corners are not monumented.)

**BEGINNING** at the intersection of the southeast line of Bryan Street, a variable width right-of-way, and the southwest line of Haskell Avenue, a variable width right-of-way, for the north corner of said AT&T tract, and the north corner of City Block 722, having coordinates of N=6977369.5487, E=2496656.4349;

**THENCE** South 45 degrees 26 minutes 10 seconds East along the common southwest line of Haskell Avenue, northeast line of said AT&T tract, and northeast line of City Block 722 a distance of 208.22 feet to the east corner of said AT&T tract, the north corner of the Replat of Part of Block 722, an addition to the City of Dallas recorded in Volume 76182, Page 502 of the Deed Records of Dallas County, Texas, and the north corner of a 2.5-foot right-of-way dedication as shown on said Replat, having coordinates of N=6977223.4587, E=2496804.7654;

**THENCE** South 45 degrees 31 minutes 45 seconds West departing the southwest line of Haskell Avenue and the northeast line of City Block 722 and along the southeast line of said AT&T tract, passing at a distance of 2.50 feet a 5/8-inch iron rod (controlling monument) found for the west corner of said 2.5-foot right-of-way dedication and the north corner of that certain tract of land conveyed to Dallas Theological Seminary as evidenced by Special Warranty Deed recorded in Instrument Number 20070308571 of the Official Public Records of Dallas County, Texas, and being the north corner of Lot 1, City Block 722 of said Replat, and continuing along the northwest line of said Lot 1 and northwest line of said addition in all a distance of 45.39 feet, having coordinates of N=6977191.6626, E=2496772.3764;

**THENCE** North 45 degrees 30 minutes 00 seconds West departing the northwest line of Lot 1 and said addition, over and across said AT&T tract a distance of 28.16 feet to the point of curvature of a curve to the left, having coordinates of N=6977211.3997, E=2496752.2918;

**THENCE** continuing over and across said AT&T tract along said curve to the left having a central angle of 07 degrees 36 minutes 08 seconds, a radius of 1355.00 feet, an arc length of 179.78 feet, a chord bearing North 49 degrees 18 minutes 04 seconds West a distance of 179.65 feet to the northwest line of said AT&T tract, the southeast line of Bryan Street, and the northwest line of City Block 722, having coordinates of N=6977328.5316, E=2496616.1083 (not monumented);

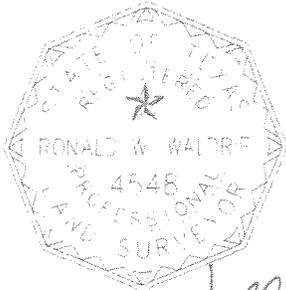
**THENCE** North 44 degrees 30 minutes 49 seconds East along the common northwest line of said AT&T tract, northwest line of City Block 722, and southeast line of Bryan Street a distance of 57.53 feet to the **POINT OF BEGINNING**;

FIELD NOTES DESCRIBING A 0.2334-ACRE (10,167-SQUARE-FOOT)  
SUB-SURFACE DRAINAGE TUNNEL EASEMENT  
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 421)  
PART OF CITY BLOCK 722 (UNPLATTED)  
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS  
FROM AT&T COMMUNICATIONS OF THE SOUTHWEST, INC.

EXHIBIT A

CONTAINING within the metes recited 0.2334 acre (10,167 square feet) of land, more or less.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.



*Ronald W. Walore 10/15/13*

**EXHIBIT A**

"LIVE OAK TECHNOLOGY CENTER" ADDITION  
VOL. 2000156.  
PG. 1868  
M.R.D.C.T

WRPV XIVUE  
LO DALLAS, L.P.  
INST. 201100306337  
O.P.R.D.C.T

PEAKS SUBURBAN  
ADDITION  
VOL. 45, PG. 56  
D.R.D.C.T

AT&T COMMUNICATIONS  
OF THE SOUTHWEST  
VOLUME 84010, PAGE 1685  
D.R.D.C.T

BLOCK 11723

**N. HASKELL AVENUE**  
(VARIABLE WIDTH RIGHT-OF-WAY)

POINT OF BEGINNING

3" BRASS DISC FND.

3" BRASS DISC FND.

2.5' R.O.W. DEDICATION  
VOL. 76182 PG. 1252

N44°30'49"E  
57.53'

S45°26'10"E  
208.22'

N-6977223.4587  
E-2496804.7654

(C.M.) 5/8" FIR  
PASSING 2.50'

PARCEL 421  
SUB-SURFACE DRAINAGE  
TUNNEL EASEMENT  
0.2334 ACRE  
(10,167 SQ. FT.)

S45°31'45"W  
45.39'

N-6977211.3997  
E-2496752.2918

N-6977191.6626  
E-2496772.3764

N-6977328.5316  
E-2496616.1083

Δ = 07°36'08" (LT)  
R = 1,355.00'  
L = 179.78'  
CL = 179.65'  
CB = N49°18'04"W

N45°30'00"W  
28.16'

DALLAS THEOLOGICAL SEMINARY  
INST. 20070308571  
O.P.R.D.C.T

"A REPLAT OF PART OF  
BLOCK 722" ADDITION  
VOLUME 76182, PAGE 502  
M.R.D.C.T.

AT&T COMMUNICATIONS  
OF THE SOUTHWEST, INC.  
VOLUME 84004, PAGE 2450  
D.R.D.C.T

(UNPLATTED)

RIDDHI, L.L.C.  
VOLUME 99086, PAGE 1841  
D.R.D.C.T

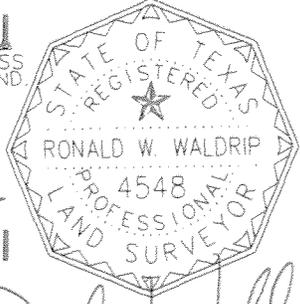
(UNPLATTED)

**BRYAN STREET**  
(VARIABLE WIDTH RIGHT-OF-WAY)

ROW LINE 200.29'

BLOCK 722

BLOCK 722

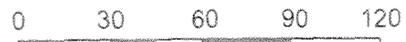
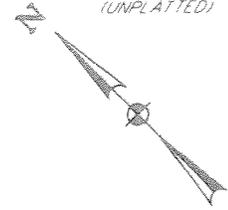


*Ronald W. Waldrip*  
10/15/13

**JOHN GRIGSBY SURVEY**  
ABSTRACT NO. 495

ADINVESTMENTS, INC.  
A TEXAS CORPORATION  
VOLUME 98159, PAGE 2401-2404  
D.R.D.C.T

(UNPLATTED)



SCALE: 1"=60'

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

**LEGEND**

	ROW LINE	(C.M.)	CONTROLLING MONUMENT
	PROPERTY LINE	FIR	FOUND IRON ROD
	LOT LINE	FIP	FOUND IRON PIPE
	SUBDIVISION LINE	D.R.D.C.T	DEED RECORDS DALLAS COUNTY TEXAS
	PROP. EASEMENT LINE	O.P.R.D.C.T	OFFICIAL PUBLIC RECORDS DALLAS COUNTY TEXAS
	IRON ROD		
	X-CUT		
	MONUMENT		

NOTE: SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED

SUB-SURFACE DRAINAGE TUNNEL EASEMENT  
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 421)  
PART OF CITY BLOCK 722 (UNPLATTED)  
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

**ARS Engineers, Inc.**  
12801 N. Central Expressway, Suite 1250  
Dallas, Texas 75243  
(214) 739-3152 Fax (214) 739-3186  
Surv Firm No. 10131900

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** April 22, 2015  
**COUNCIL DISTRICT(S):** 14  
**DEPARTMENT:** Trinity Watershed Management  
**CMO:** Jill A. Jordan, P.E., 670-5299  
**MAPSCO:** 45H

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**SUBJECT**

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Dallas Theological Seminary, of a subsurface easement under approximately 9,973 square feet of land located on Live Oak Street at its intersection with Haskell Avenue for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project – Not to exceed \$36,408 (\$33,908 plus closing costs and title expenses not to exceed \$2,500) - Financing: 2006 Bond Funds

**BACKGROUND**

This item is on the addendum to expedite the acquisition process in order to meet the project schedule.

This item authorizes the acquisition of a subsurface easement located under approximately 9,973 square feet of land from Dallas Theological Seminary. This property is located on Live Oak Street at its intersection with Haskell Avenue and will be used for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project. The consideration is based on an independent appraisal.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

This item has no prior action.

**FISCAL INFORMATION**

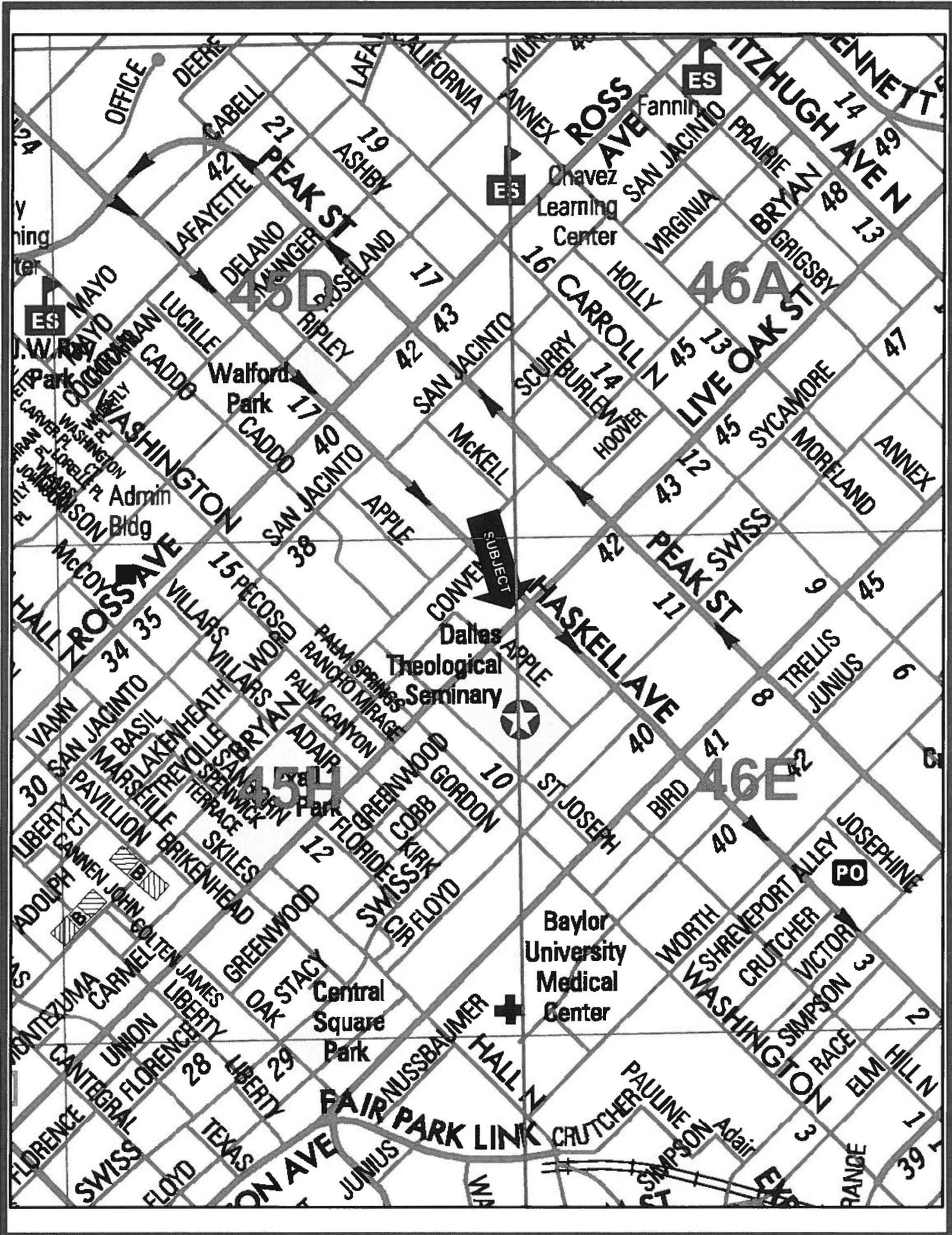
2006 Bond Funds - \$36,408 (\$33,908 plus closing costs and title expenses not to exceed \$2,500)

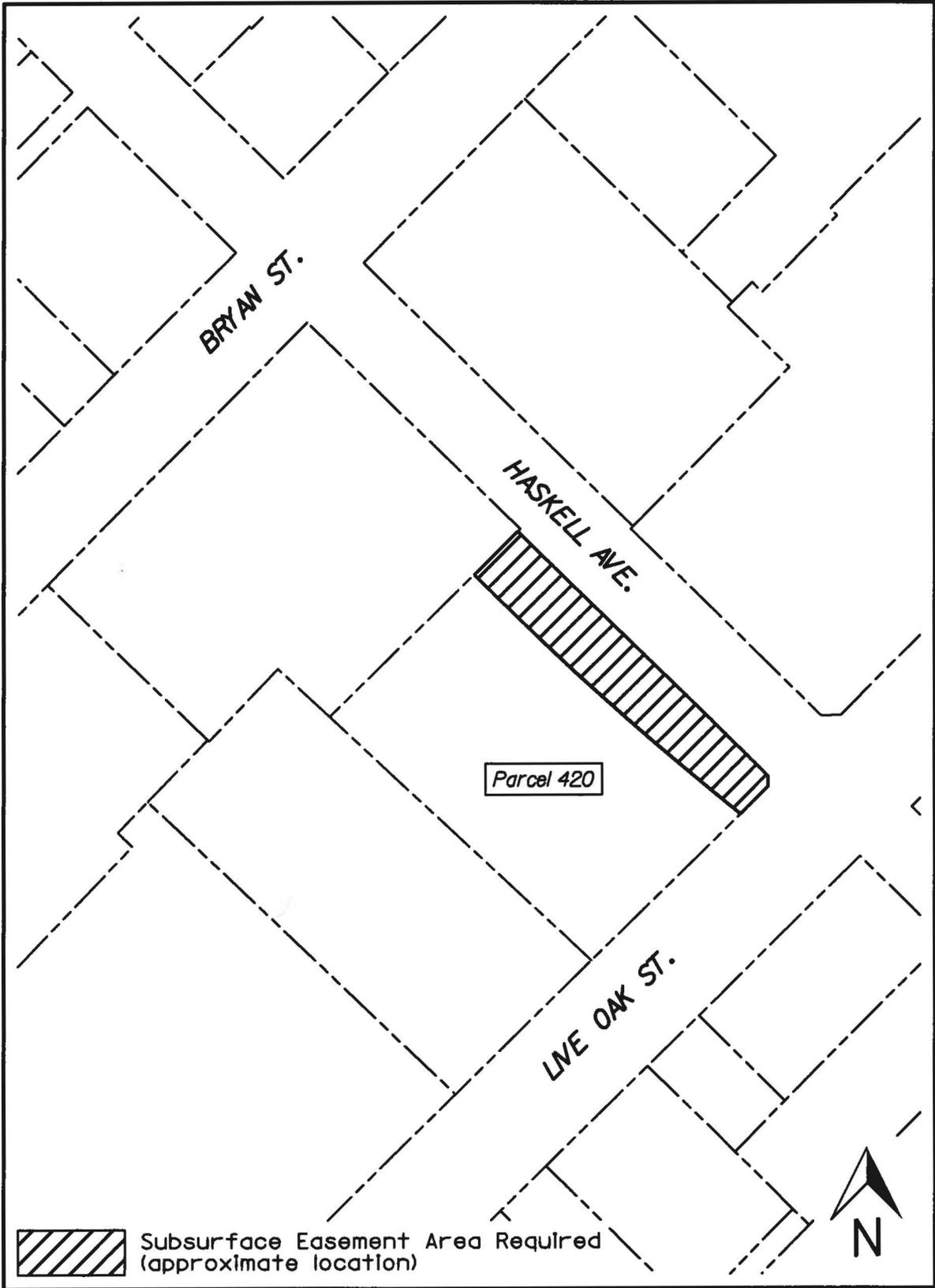
**OWNER**

Dallas Theological Seminary

**MAPS**

Attached





Subsurface Easement Area Required  
(approximate location)



April 22, 2015

**A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION AND/OR CONDEMNATION FOR PUBLIC USE.**

**DEFINITIONS:** For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas

"PROPERTY": Located under approximately 9,973 square feet in area, lying between the subsurface elevations of 221 feet and 396 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, the boundary of which property being more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project

"USE": The below ground construction, installation, use, and maintenance of a deep tunnel for storage and transmission of storm drainage.

"PROPERTY INTEREST": Flood Control Tunnel Easement

"OWNER": Dallas Theological Seminary, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"OFFER AMOUNT": \$33,908.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$2,500.00

"AUTHORIZED AMOUNT": \$36,408.00

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**SECTION 1.** That the USE of the PROPERTY for the PROJECT is a public use.

**SECTION 2.** That public necessity requires that the CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

April 22, 2015

**SECTION 3.** That for the purpose of acquiring the PROPERTY INTEREST in the PROPERTY, the Assistant Director of the Department of Sustainable Development and Construction Department, Real Estate Division, or such person as she may designate, is hereby authorized and directed to offer the OFFER AMOUNT as payment for the PROPERTY INTEREST in the PROPERTY.

**SECTION 4.** That in the event the OWNER accepts the OFFER AMOUNT, the Chief Financial Officer is authorized and directed to draw a warrant in favor of the OWNER, the then current owner of record, or the title company closing the transaction described herein in the OFFER AMOUNT payable out of 2006 Bond Funds: Fund No. 1T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. CT-PBW06T525G44, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 1T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. CT-PBW06T525G45. The OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 5.** That the CITY is to have possession of the PROPERTY at closing; and the CITY will pay the CLOSING COSTS AND TITLE EXPENSES. In the event of condemnation, the CITY will pay costs as may be assessed by the Special Commissioners or the court. Further, that expenses determined by the City Attorney to be necessary are authorized for payment. All costs and expenses described in this section shall be paid from the previously described funds.

**SECTION 6.** That if the OWNER refuses to accept the OFFER AMOUNT, the CITY will appropriate the PROPERTY INTEREST in the PROPERTY for the PROJECT under the laws of eminent domain and the provisions of the Charter of the City of Dallas. In such case, the City Attorney is authorized and requested to file the necessary proceeding(s) and take the necessary action for the prompt acquisition of the PROPERTY INTEREST in the PROPERTY by condemnation or in any manner provided by law.

**SECTION 7.** That in the event it is subsequently determined that additional persons other than those named herein have an interest in the PROPERTY, the City Attorney is authorized and directed to join said parties as defendants in said condemnation proceedings or suit(s).

**SECTION 8.** That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

**SECTION 9.** That OWNER has been provided with a copy of the Landowner's Bill of Rights as required by Texas Property Code Section 21.0112.

April 22, 2015

**SECTION 10.** That in the event the City Attorney files a condemnation proceeding because the OWNER refused to accept the OFFER AMOUNT; and in the event the special commissioners appointed by the Court return an award that is the same amount or less than the OFFER AMOUNT, the City Attorney is hereby authorized to deposit the award in the registry of the Court and to settle the condemnation proceeding, or if the condemnation proceeding becomes a lawsuit, the lawsuit, for an amount not to exceed the OFFER AMOUNT; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the OFFER AMOUNT made payable to the County Clerk of Dallas County, to be deposited into the registry of the Court, to enable the CITY to take possession of the PROPERTY without further action of the Dallas City Council; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed \$2,500.00 for CLOSING COSTS AND TITLE EXPENSES in favor of the title company closing the transaction described herein. The Award, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 11.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**APPROVED AS TO FORM:**  
**WARREN M. S. ERNST, City Attorney**

BY



**Assistant City Attorney**

**FIELD NOTES DESCRIBING 0.2289-ACRE (9,973-SQUARE-FOOT)  
SUB-SURFACE DRAINAGE TUNNEL EASEMENT  
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 420)  
PART OF LOT 1, CITY BLOCK 722  
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS  
FROM DALLAS THEOLOGICAL SEMINARY**

**EXHIBIT A**

**BEING** a 0.2289-acre (9,973-square-foot) tract of land situated in the City of Dallas and the John Grigsby Survey, Abstract Number 495, Dallas County, Texas, and being part of Lot 1, City Block 722 of a Replat of Block 722, an addition to the City of Dallas as evidenced by plat recorded in Volume 76182, Page 502 of the Deed Records of Dallas County, Texas, and being part of that certain tract of land conveyed to Dallas Theological Seminary as evidenced by Special Warranty Deed recorded in Instrument Number 20070308571 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

(NOTE: Subsurface easement corners are not monumented.)

**BEGINNING** at a 5/8-inch iron rod (controlling monument) found in the southwest line of Haskell Avenue, a variable width right-of-way, and the southeast line of that certain tract of land conveyed to Southwestern Bell Telephone Company as evidenced by Warranty Deed recorded in Volume 81002, Page 438 of the Deed Records of Dallas County, Texas, and being the same tract of land subsequently released, remised, and quitclaimed to AT&T Communications of the Southwest, Inc. as evidenced by Quitclaim Deed recorded in Volume 84004, Page 2450 of the Deed Records of Dallas County, Texas, for the north corner of said Dallas Theological Seminary tract, the north corner of Lot 1, and the west corner of a 2.5-foot right-of-way dedication as shown on said plat recorded in Volume 76182, Page 502 of the Deed Records of Dallas County, Texas, having coordinates of N=6977221.7074, E=2496802.9814;

**THENCE** South 45 degrees 26 minutes 10 seconds East along the common southwest line of Haskell Avenue, northeast line of said Dallas Theological Seminary tract, and southwest line of said 2.5-foot right-of-way dedication a distance of 244.49 feet to an "X" cut in concrete (controlling monument) found for the most northerly southeast corner of said Dallas Theological Seminary tract and the north corner of right-of-way dedicated to the County of Dallas as evidenced by Right-of-way Deed recorded in Volume 2001170, Page 24 of the Deed Records of Dallas County, Texas, having coordinates of N=6977050.1709, E=2496977.1488;

**THENCE** South 00 degrees 09 minutes 05 seconds East along said right-of-way dedication a distance of 7.52 feet to a 1/2-inch iron rod (controlling monument) found for the south corner of said right-of-way dedication in the northwest line of Live Oak Street, an 80-foot right-of-way, and the southeast line of City Block 722 for the most southerly southeast corner of said Dallas Theological Seminary tract, having coordinates of N=6977042.6504, E=2496977.1700;

**THENCE** South 45 degrees 29 minutes 20 seconds West along the northwest line of Live Oak Street, the southeast line of said Dallas Theological Seminary tract, and the southeast line of City Block 722 a distance of 27.04 feet to the beginning of a non-tangent curve to the right, having coordinates of N=6977023.6959, E=2496957.8892;

**THENCE** departing the common northwest line of Live Oak Street, southeast line of said Dallas Theological Seminary tract, and southeast line of City Block 722, over and across said Dallas Theological



FIELD NOTES APPROVED:

*DEE* 1/13/14

FIELD NOTES DESCRIBING 0.2289-ACRE (9,973-SQUARE-FOOT)  
SUB-SURFACE DRAINAGE TUNNEL EASEMENT  
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 420)  
PART OF LOT 1, CITY BLOCK 722  
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS  
FROM DALLAS THEOLOGICAL SEMINARY

EXHIBIT A

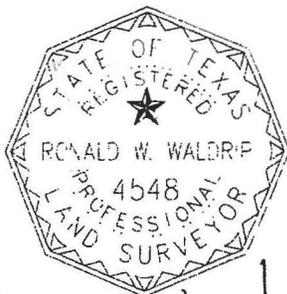
Seminary tract and along said curve to the right, having a central angle of 05 degrees 43 minutes 57 seconds, a radius of 2045.00 feet, an arc length of 204.60 feet, a chord bearing North 48 degrees 21 minutes 58 seconds West a distance of 204.52 feet to a point of tangency, having coordinates of N=6977159.5518, E=2496805.0526 (not monumented);

**THENCE** North 45 degrees 30 minutes 00 seconds West, continuing over and across said Dallas Theological Seminary tract, a distance of 45.82 feet to the common northwest line of said Dallas Theological Seminary tract, northwest line of Lot 1, and southeast line of said AT&T tract (not monumented), having coordinates of N=6977191.6626, E=2496772.3764;

**THENCE** North 45 degrees 31 minutes 45 seconds East along the common northwest line of said Dallas Theological Seminary tract, northwest line of Lot 1, and southeast line of said AT&T tract a distance of 42.89 feet to the **POINT OF BEGINNING**;

**CONTAINING** within the metes recited 0.2289 acre (9,973 square feet) of land, more or less.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.



*Ronald W. Waldrip 10/15/13*



FIELD NOTES APPROVED

*RW* 10/13/14

PEAK'S SUBURBAN ADDITION VOL. 45, PG. 56 D.R.D.C.T.

BLOCK 11/723

"LIVE OAK TECHNOLOGY CENTER" ADDITION VOLUME 2000156, PAGE 1868 M.R.D.C.T.

AT&T COMMUNICATIONS OF THE SOUTHWEST VOLUME 84010, PAGE 1685 D.R.D.C.T.

WRPV XI VUE LO DALLAS, L.P. INST. 201100306337 O.P.R.D.C.T.

3" BRASS DISC FND.

ROW LINE

X-CUT FND.

(C.M.) 5/8" FIR N-6977221.7074 E-2496802.9814

POINT OF BEGINNING

**N. HASKELL AVENUE**  
(VARIABLE WIDTH RIGHT-OF-WAY)

R.O.W. DEDICATION VOL. 2001170 PG. 24 D.R.D.C.T.

2.5' R.O.W. DEDICATION VOL. 76182 PG. 1252

S45°26'10"E 244.49' (C.M.) X-CUT FND. N-6977050.1709 E-2496977.1488

S00°09'05"E 7.52'

N45°31'45"E 42.89'

PARCEL 420 SUB-SURFACE DRAINAGE TUNNEL EASEMENT 0.2289 ACRE (9,973 SQ. FT.)

(C.M.) 1/2" FIR N-6977042.6504 E-2496977.1700

N-6977191.6626 E-2496772.3764

N-6977159.5518 E-2496805.0526

N-6977023.6959 E-2496957.8892

S45°29'20"W 27.04'

AT&T COMMUNICATIONS OF THE SOUTHWEST, INC. VOLUME 85001, PAGE 2450 (UNPLATTED)

141.81'

N45°30'00"W 45.82'

Δ = 05°43'57" (RT)  
R = 2,045.00'  
L = 204.60'  
CL = 204.52'  
CB = N48°21'58"W

145.69'

**LIVE OAK STREET**  
(80' RIGHT-OF-WAY)

ROW LINE

"A REPLAT OF PART OF BLOCK 722" ADDITION VOLUME 76182, PAGE 502 M.R.D.C.T.

DALLAS THEOLOGICAL SEMINARY INST. 20070308571 O.P.R.D.C.T.

49.41'

250.19'

1/2" FIR

69.60'

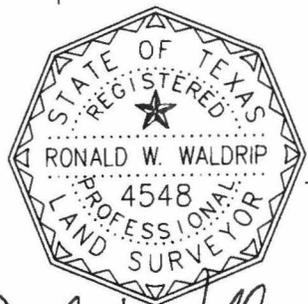
128.82'

BLOCK 722

RIDDI L.L.C. VOLUME 99086, PAGE 1841 D.R.D.C.T.

(UNPLATTED)

130.16'



294.85'

DALLAS THEOLOGICAL SEMINARY VOLUME 2000047, PAGE 4758 D.R.D.C.T.

(UNPLATTED)

**JOHN GRIGSBY SURVEY**  
ABSTRACT NO. 495

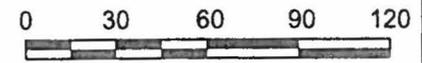
*Ronald W. Waldrup*  
10/15/13

**LEGEND**

- ROW LINE
- P- PROPERTY LINE
- LOT LINE
- SUBDIVISION LINE
- PROP. EASEMENT LINE
- IRON ROD
- X-CUT
- MONUMENT

- (C.M.) CONTROLLING MONUMENT
- FIR FOUND IRON ROD
- FIP FOUND IRON PIPE
- D.R.D.C.T. DEED RECORDS DALLAS COUNTY TEXAS
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS DALLAS COUNTY TEXAS

NOTE: SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED



SCALE: 1"=60'

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

SUB-SURFACE DRAINAGE TUNNEL EASEMENT CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 420) PART OF LOT 1, CITY BLOCK 722 JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495 CITY OF DALLAS, DALLAS COUNTY, TEXAS

**ARS Engineers, Inc.**  
12801 N. Central Expressway, Suite 1250  
Dallas, Texas 75243  
Surv. Firm No. 10131900 (214) 739-3152 Fax (214) 739-3169

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** April 22, 2015  
**COUNCIL DISTRICT(S):** 14  
**DEPARTMENT:** Trinity Watershed Management  
**CMO:** Jill A. Jordan, P.E., 670-5299  
**MAPSCO:** 45D

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**SUBJECT**

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from John Briggs, of a subsurface easement under approximately 1,148 square feet of land located on Tribeca Way near its intersection with San Jacinto Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed \$6,048 (\$4,248 plus closing costs and title expenses not to exceed \$1,800) – Financing: 2006 Bond Funds

**BACKGROUND**

This item is on the addendum to expedite the acquisition process in order to meet the project schedule.

This item authorizes the acquisition of a subsurface easement located under approximately 1,148 square feet of land from John Briggs. This property is located on Tribeca Way near its intersection with San Jacinto Street and will be used for the Mill Creek/Peaks Branch/ State Thomas Drainage Relief Tunnel Project. The consideration is based on an independent appraisal.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

This item has no prior action.

**FISCAL INFORMATION**

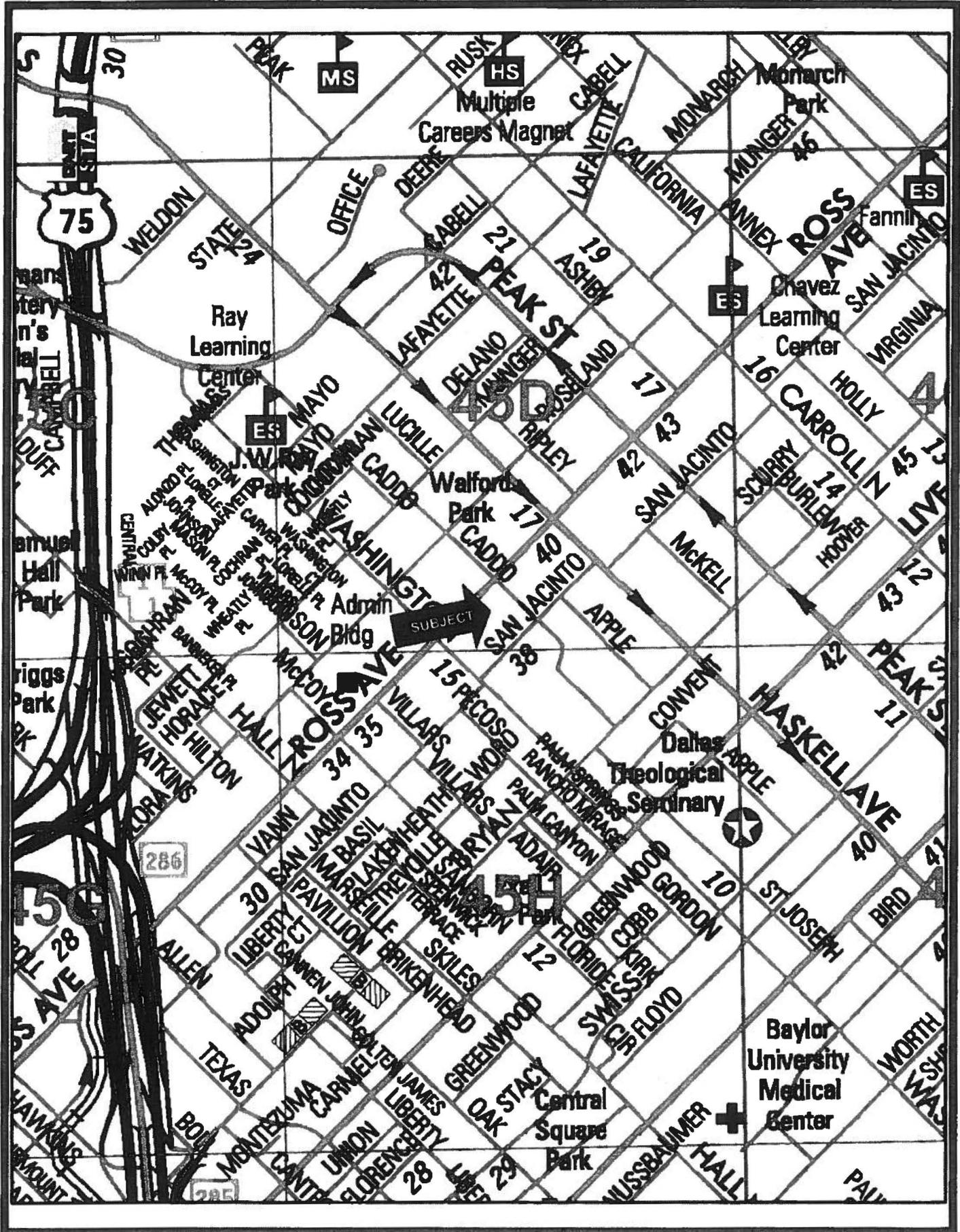
2006 Bond Funds - \$6,048 (\$4,248 plus closing costs and title expenses not to exceed \$1,800)

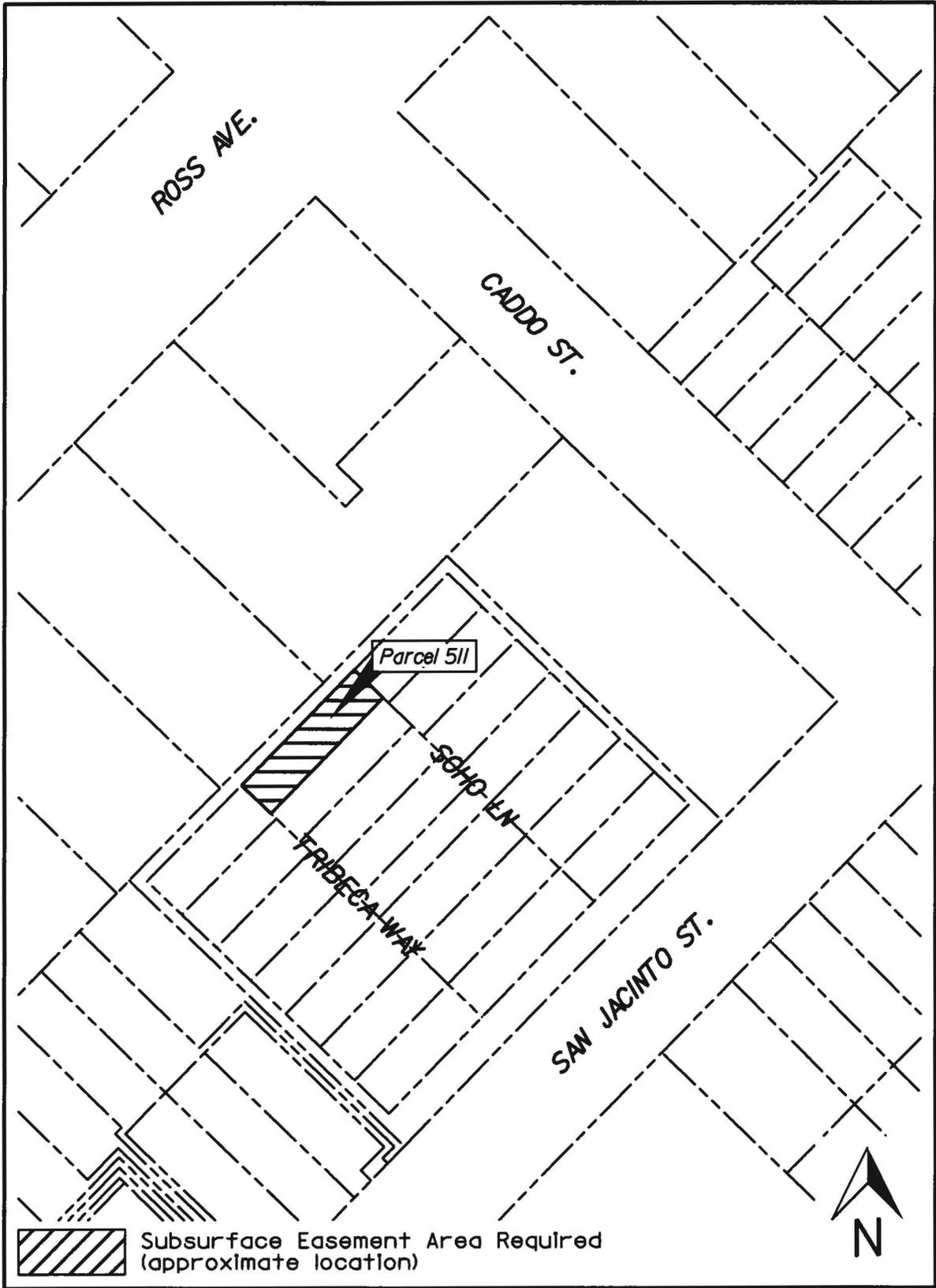
**OWNER**

John Briggs

**MAPS**

Attached





April 22, 2015

**A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION AND/OR CONDEMNATION FOR PUBLIC USE.**

**DEFINITIONS:** For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas

"PROPERTY": Located under approximately 1,148 square feet in area, lying between the subsurface elevations of 230 feet and 404 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, the boundary of which property being more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project

"USE": The below ground construction, installation, use, and maintenance of a deep tunnel for storage and transmission of storm drainage.

"PROPERTY INTEREST": Flood Control Tunnel Easement

"OWNER": John Briggs, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"OFFER AMOUNT": \$4,248.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$1,800.00

"AUTHORIZED AMOUNT": \$6,048.00

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**SECTION 1.** That the USE of the PROPERTY for the PROJECT is a public use.

**SECTION 2.** That public necessity requires that the CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

April 22, 2015

**SECTION 3.** That for the purpose of acquiring the PROPERTY INTEREST in the PROPERTY, the Assistant Director of the Department of Sustainable Development and Construction Department, Real Estate Division, or such person as she may designate, is hereby authorized and directed to offer the OFFER AMOUNT as payment for the PROPERTY INTEREST in the PROPERTY.

**SECTION 4.** That in the event the OWNER accepts the OFFER AMOUNT, the Chief Financial Officer is authorized and directed to draw a warrant in favor of the OWNER, the then current owner of record, or the title company closing the transaction described herein in the OFFER AMOUNT payable out of 2006 Bond Funds: Fund No. 1T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. CT-PBW06T525G23, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 1T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. CT-PBW06T525G24. The OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 5.** That the CITY is to have possession of the PROPERTY at closing; and the CITY will pay the CLOSING COSTS AND TITLE EXPENSES. In the event of condemnation, the CITY will pay costs as may be assessed by the Special Commissioners or the court. Further, that expenses determined by the City Attorney to be necessary are authorized for payment. All costs and expenses described in this section shall be paid from the previously described funds.

**SECTION 6.** That if the OWNER refuses to accept the OFFER AMOUNT, the CITY will appropriate the PROPERTY INTEREST in the PROPERTY for the PROJECT under the laws of eminent domain and the provisions of the Charter of the City of Dallas. In such case, the City Attorney is authorized and requested to file the necessary proceeding(s) and take the necessary action for the prompt acquisition of the PROPERTY INTEREST in the PROPERTY by condemnation or in any manner provided by law.

**SECTION 7.** That in the event it is subsequently determined that additional persons other than those named herein have an interest in the PROPERTY, the City Attorney is authorized and directed to join said parties as defendants in said condemnation proceedings or suit(s).

**SECTION 8.** That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

**SECTION 9.** That OWNER has been provided with a copy of the Landowner's Bill of Rights as required by Texas Property Code Section 21.0112.

April 22, 2015

**SECTION 10.** That in the event the City Attorney files a condemnation proceeding because the OWNER refused to accept the OFFER AMOUNT; and in the event the special commissioners appointed by the Court return an award that is the same amount or less than the OFFER AMOUNT, the City Attorney is hereby authorized to deposit the award in the registry of the Court and to settle the condemnation proceeding, or if the condemnation proceeding becomes a lawsuit, the lawsuit, for an amount not to exceed the OFFER AMOUNT; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the OFFER AMOUNT made payable to the County Clerk of Dallas County, to be deposited into the registry of the Court, to enable the CITY to take possession of the PROPERTY without further action of the Dallas City Council; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed \$1,800.00 for CLOSING COSTS AND TITLE EXPENSES in favor of the title company closing the transaction described herein. The Award, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 11.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**APPROVED AS TO FORM:**  
**WARREN M. S. ERNST, City Attorney**

BY

  
\_\_\_\_\_  
**Assistant City Attorney**

DESCRIPTION OF A 1,148 SQUARE FOOT (0.0264 ACRE)  
SUB-SURFACE DRAINAGE TUNNEL EASEMENT  
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 511)  
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 641,  
ALL OF LOT 29, SAN JACINTO LOFTS,  
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS  
FROM JOHN BRIGGS

BEING situated in the John Grigsby Survey, Abstract No. 495, in City Block 641 of the City of Dallas, Dallas County, Texas, and being all of Lot 29 of San Jacinto Lofts, an addition to the City of Dallas according to the map of said San Jacinto Lofts addition recorded in Instrument No. 200600246516 of the Official Public Records of Dallas County, Texas, and being all of that tract of land described in Special Warranty Deed With Vendor's Lien to John Briggs recorded in Instrument No. 201000051671 of the Official Public Records of Dallas County, Texas, and containing 1,148 square feet or 0.0264 acre of land, more or less.

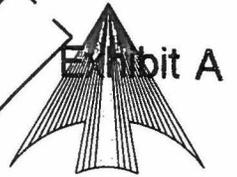
This description is approved as to form.

  
\_\_\_\_\_  
Scott Holt, RPLS  
Survey Program Manager

4/2/2015  
Date:



FIELD NOTES APPROVED:  
FOR 10/23/13

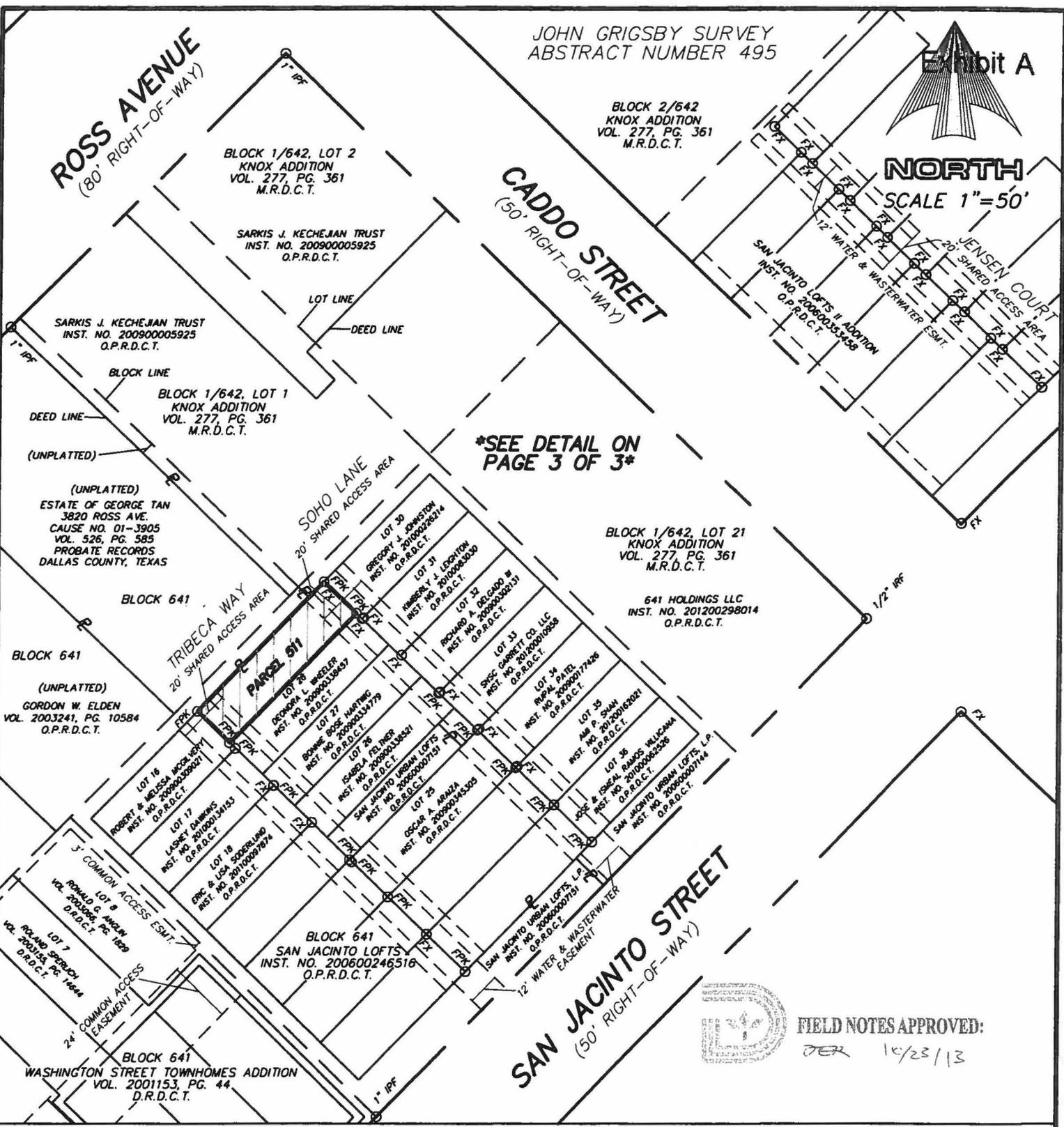
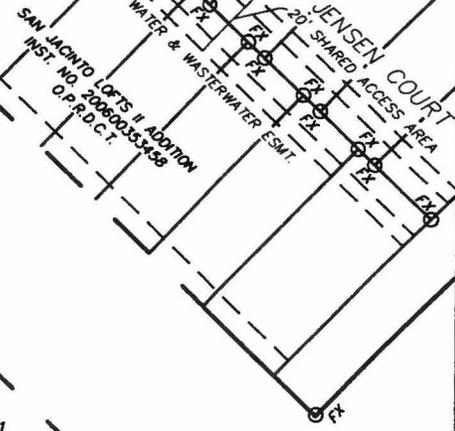


SCALE 1"=50'

ROSS AVENUE  
(80' RIGHT-OF-WAY)

CADDO STREET  
(50' RIGHT-OF-WAY)

\*SEE DETAIL ON  
PAGE 3 OF 3\*



FIELD NOTES APPROVED:  
DER 10/23/13

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

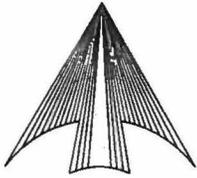
LEGEND	
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
ESMT.	EASEMENT
SQ. FT.	SQUARE FEET
---	RIGHT-OF-WAY LINE
---	EASEMENT LINE
---	SUBDIVISION LINE
---	PROPERTY LINE
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
CM	CONTROLLING MONUMENT
FPK	FOUND PK NAIL
FX	FOUND "X"

1,148 SQ. FT. (0.0264 ACRE) SUB-SURFACE DRAINAGE TUNNEL EASEMENT CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 511) TO BE ACQUIRED IN CITY OF DALLAS BLOCK 641, LOT 29, SAN JACINTO LOFTS, JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495 CITY OF DALLAS, DALLAS COUNTY, TEXAS FROM JOHN BRIGGS



NATHAN D. MAIER  
CONSULTING ENGINEERS, INC.  
TBPE FIRM REG. NO. F-356  
TBPLS FIRM REG. NO. 100189-00

Two Northpark / 8080 Park Lane / Suite 600  
Dallas, Texas 75231 / (214) 799-4741

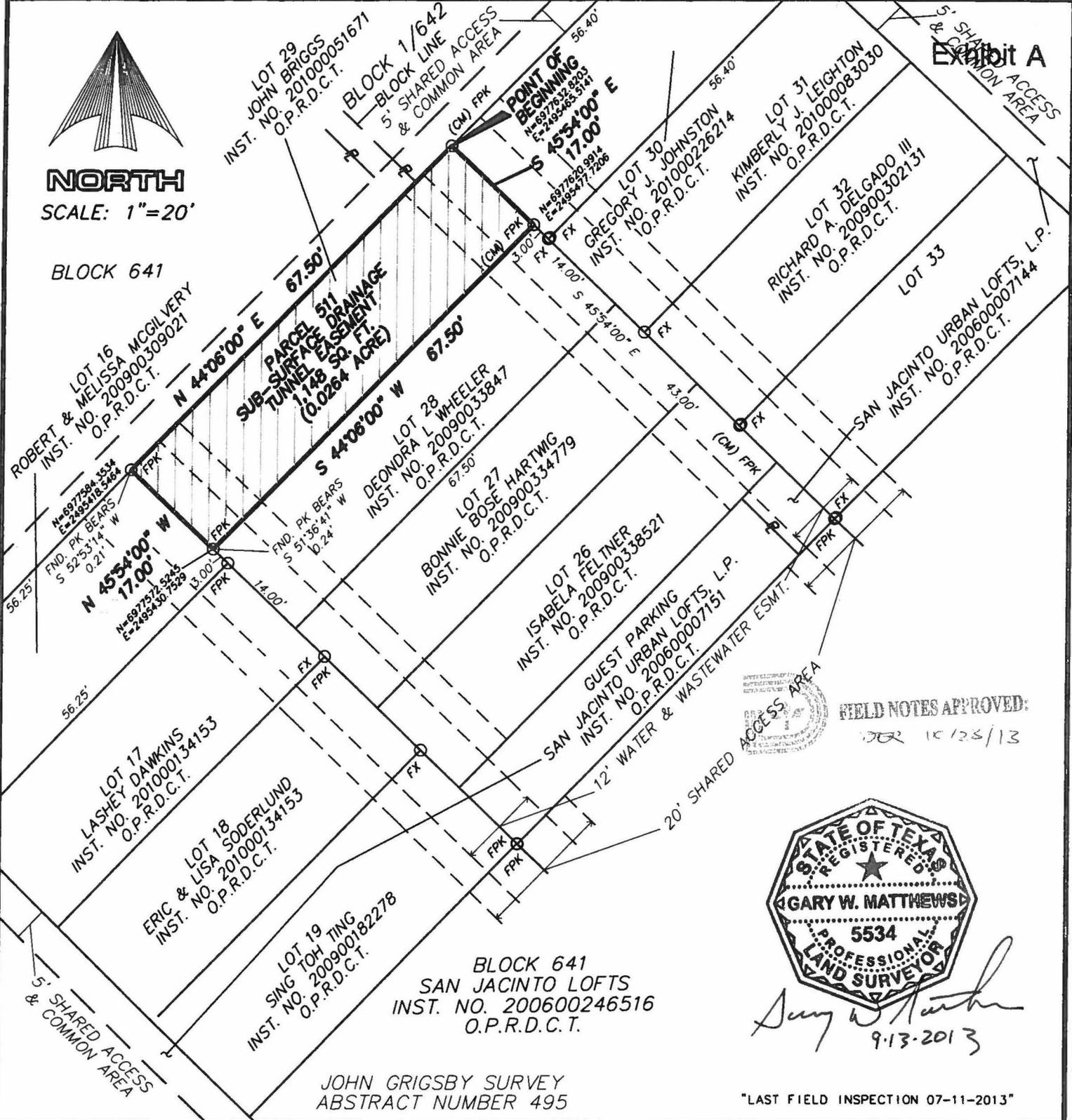


**NORTH**

SCALE: 1"=20'

BLOCK 641

Exhibit A



BLOCK 641  
 SAN JACINTO LOFTS  
 INST. NO. 200600246516  
 O.P.R.D.C.T.

JOHN GRIGSBY SURVEY  
 ABSTRACT NUMBER 495



FIELD NOTES APPROVED:

OR 10/28/13

*Gary W. Matthews*  
 9-13-2013

"LAST FIELD INSPECTION 07-11-2013"

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

PAGE 3 OF 3

LEGEND	
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS
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1,148 SQ. FT. (0.0264 ACRE) SUB-SURFACE DRAINAGE TUNNEL EASEMENT CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 511) TO BE ACQUIRED IN CITY OF DALLAS BLOCK 641, LOT 29, SAN JACINTO LOFTS, JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495 CITY OF DALLAS, DALLAS COUNTY, TEXAS FROM JOHN BRIGGS

**NDM** NATHAN D. MAIER  
 CONSULTING ENGINEERS, INC.  
 TBPE FIRM REG. NO. F-356  
 TBPLS FIRM REG. NO. 100189-00  
 Two Northpark / 8080 Park Lane / Suite 600  
 Dallas, Texas 75231 / (214) 739-4741

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** April 22, 2015  
**COUNCIL DISTRICT(S):** 14  
**DEPARTMENT:** Trinity Watershed Management  
**CMO:** Jill A. Jordan, P.E., 670-5299  
**MAPSCO:** 45D

---

**SUBJECT**

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Lashey Dawkins, of a subsurface easement under approximately 503 square feet of land located on Tribeca Way near its intersection with San Jacinto Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project – Not to exceed \$3,561 (\$1,861 plus closing costs and title expenses not to exceed \$1,700) - Financing: 2006 Bond Funds

**BACKGROUND**

This item is on the addendum to expedite the acquisition process in order to meet the project schedule.

This item authorizes the acquisition of a subsurface easement located under approximately 503 square feet of land from Lashey Dawkins. This property is located on Tribeca Way near its intersection with San Jacinto Street and will be used for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project. The consideration is based on an independent appraisal.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

This item has no prior action.

**FISCAL INFORMATION**

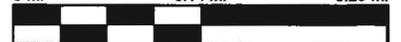
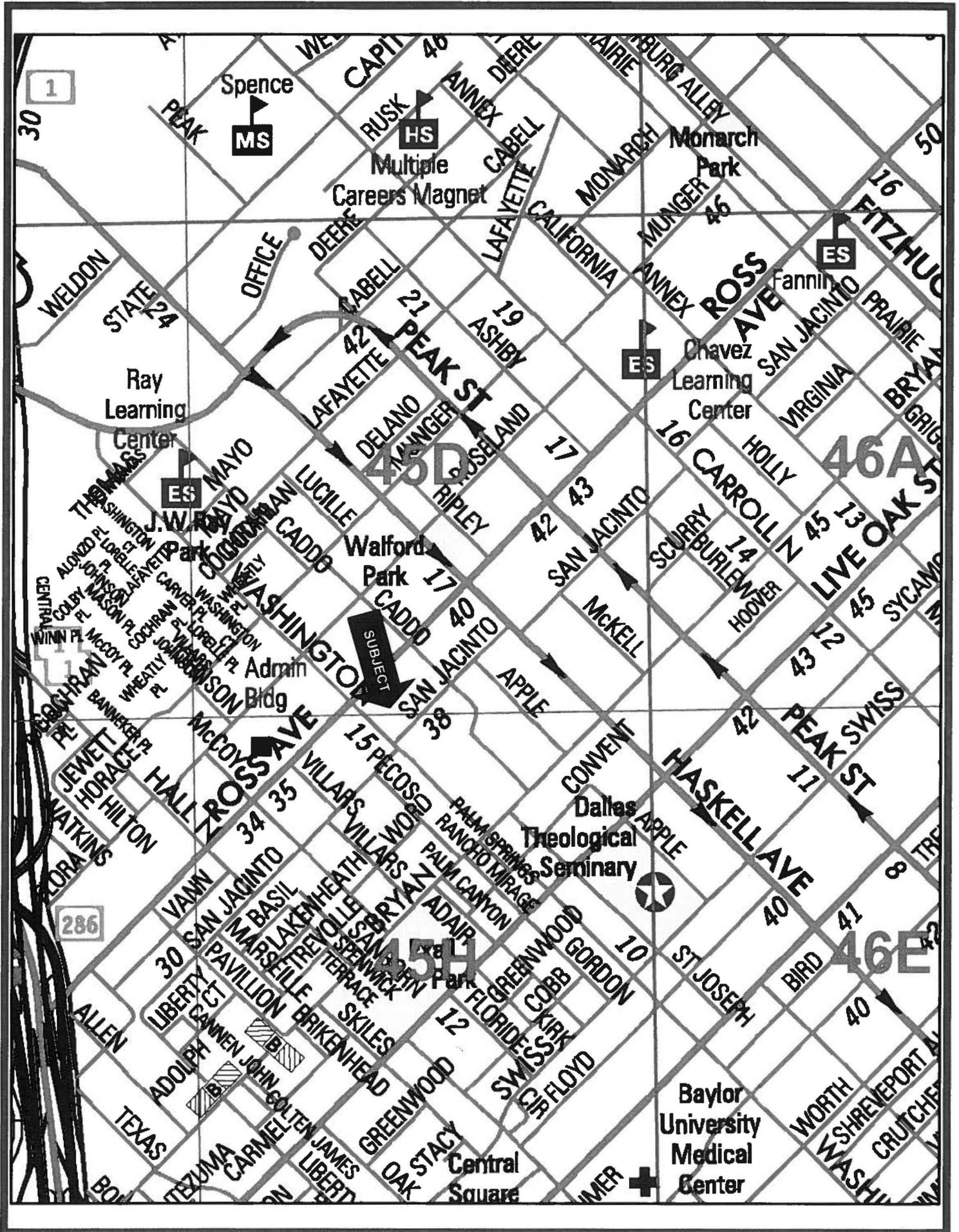
2006 Bond Funds - \$3,561 (\$1,861 plus closing costs and title expenses not to exceed \$1,700)

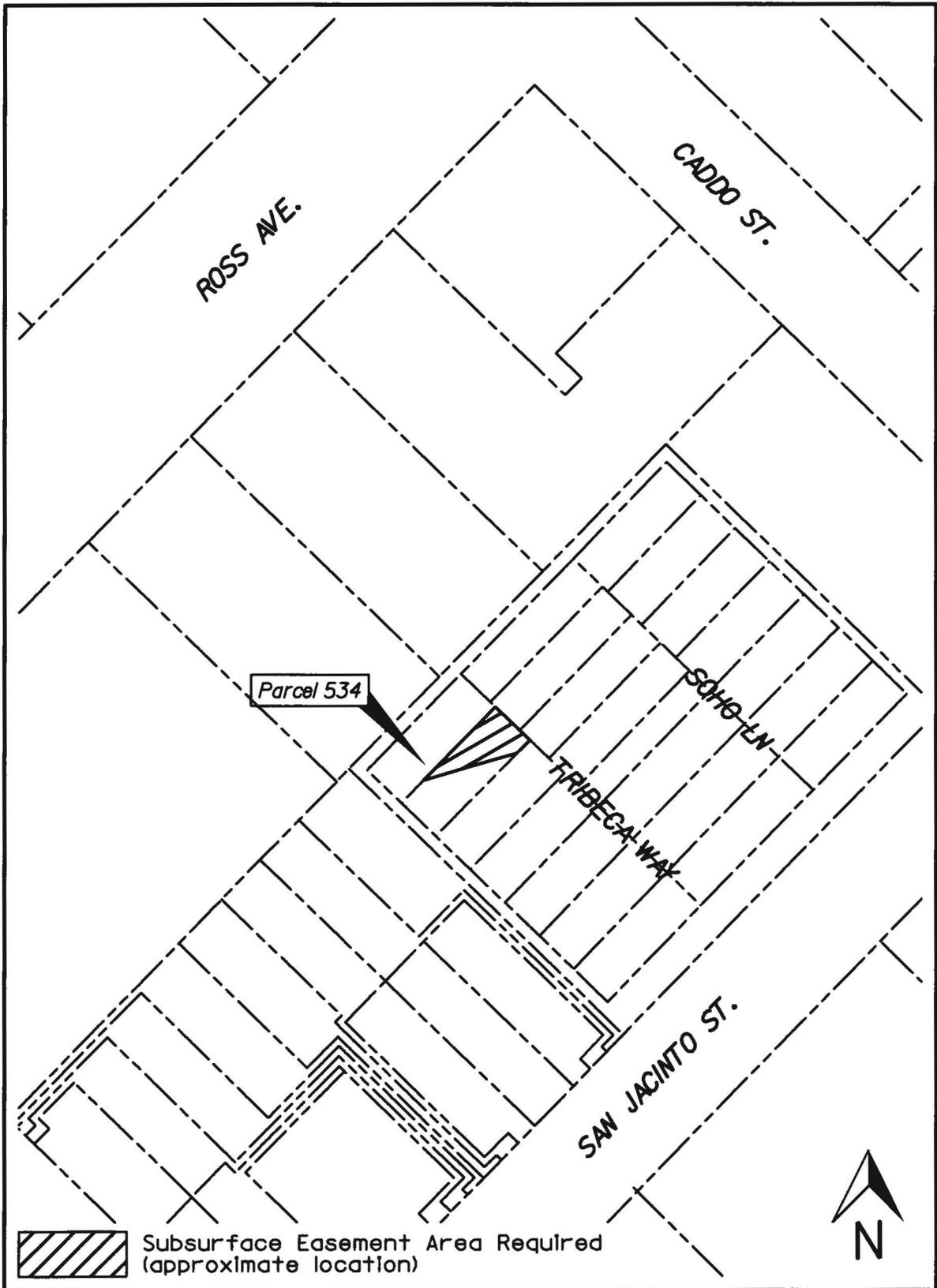
**OWNER**

Lashey Dawkins

**MAPS**

Attached





April 22, 2015

**A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION AND/OR CONDEMNATION FOR PUBLIC USE.**

**DEFINITIONS:** For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas

"PROPERTY": Located under approximately 503 square feet in area, lying between the subsurface elevations of 230 feet and 404 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, the boundary of which property being more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project

"USE": The below ground construction, installation, use, and maintenance of a deep tunnel for storage and transmission of storm drainage.

"PROPERTY INTEREST": Flood Control Tunnel Easement

"OWNER": Lashey Dawkins, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"OFFER AMOUNT": \$1,861.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$1,700.00

"AUTHORIZED AMOUNT": \$3,561.00

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**SECTION 1.** That the USE of the PROPERTY for the PROJECT is a public use.

**SECTION 2.** That public necessity requires that the CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

April 22, 2015

**SECTION 3.** That for the purpose of acquiring the PROPERTY INTEREST in the PROPERTY, the Assistant Director of the Department of Sustainable Development and Construction Department, Real Estate Division, or such person as she may designate, is hereby authorized and directed to offer the OFFER AMOUNT as payment for the PROPERTY INTEREST in the PROPERTY.

**SECTION 4.** That in the event the OWNER accepts the OFFER AMOUNT, the Chief Financial Officer is authorized and directed to draw a warrant in favor of the OWNER, the then current owner of record, or the title company closing the transaction described herein in the OFFER AMOUNT payable out of 2006 Bond Funds: Fund No. 1T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. CT-PW06T525G35, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 1T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. CT-PW06T525G36. The OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 5.** That the CITY is to have possession of the PROPERTY at closing; and the CITY will pay the CLOSING COSTS AND TITLE EXPENSES. In the event of condemnation, the CITY will pay costs as may be assessed by the Special Commissioners or the court. Further, that expenses determined by the City Attorney to be necessary are authorized for payment. All costs and expenses described in this section shall be paid from the previously described funds.

**SECTION 6.** That if the OWNER refuses to accept the OFFER AMOUNT, the CITY will appropriate the PROPERTY INTEREST in the PROPERTY for the PROJECT under the laws of eminent domain and the provisions of the Charter of the City of Dallas. In such case, the City Attorney is authorized and requested to file the necessary proceeding(s) and take the necessary action for the prompt acquisition of the PROPERTY INTEREST in the PROPERTY by condemnation or in any manner provided by law.

**SECTION 7.** That in the event it is subsequently determined that additional persons other than those named herein have an interest in the PROPERTY, the City Attorney is authorized and directed to join said parties as defendants in said condemnation proceedings or suit(s).

**SECTION 8.** That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

**SECTION 9.** That OWNER has been provided with a copy of the Landowner's Bill of Rights as required by Texas Property Code Section 21.0112.

April 22, 2015

**SECTION 10.** That in the event the City Attorney files a condemnation proceeding because the OWNER refused to accept the OFFER AMOUNT; and in the event the special commissioners appointed by the Court return an award that is the same amount or less than the OFFER AMOUNT, the City Attorney is hereby authorized to deposit the award in the registry of the Court and to settle the condemnation proceeding, or if the condemnation proceeding becomes a lawsuit, the lawsuit, for an amount not to exceed the OFFER AMOUNT; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the OFFER AMOUNT made payable to the County Clerk of Dallas County, to be deposited into the registry of the Court, to enable the CITY to take possession of the PROPERTY without further action of the Dallas City Council; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed \$1,700.00 for CLOSING COSTS AND TITLE EXPENSES in favor of the title company closing the transaction described herein. The Award, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 11.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**APPROVED AS TO FORM:**  
**WARREN M. S. ERNST, City Attorney**

BY   
Assistant City Attorney

FIELD NOTES DESCRIBING A 503 SQUARE FOOT (0.0115 ACRE)  
SUB-SURFACE DRAINAGE TUNNEL EASEMENT  
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 534)  
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 641,  
PART OF LOT 17, SAN JACINTO LOFTS,  
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS  
FROM LASHEY DAWKINS

EXHIBIT A

BEING a 503 square foot (0.0115 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, in City Block 641 of the City of Dallas, Dallas County, Texas, and being part of Lot 17 of San Jacinto Lofts, an addition to the City of Dallas according to the map of said San Jacinto Lofts addition recorded in Instrument No. 200600246516 of the Official Public Records of Dallas County, Texas, and being part of that tract of land described in Special Warranty Deed With Vendor's Lien to Lashey Dawkins recorded in Instrument No. 201000134153 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

(Note: Subsurface easement corners not monumented are so noted hereon.)

BEGINNING on the southwesterly line of Lot 28 of said San Jacinto Lofts addition at the north corner of said Lot 17 and the east corner of Lot 16 of said San Jacinto Lofts addition (not monumented) having coordinates of N=6977570.4370, E=2495432.9070, from whence a PK nail found bears South 49 degrees 54 minutes 18 seconds East, 0.23 feet;

THENCE South 45 degrees 54 minutes 00 seconds East, with the northeasterly line of said Lot 17 and said southwesterly line of said Lot 28, at 14.00 feet passing the south corner of said Lot 28 and west corner of Lot 27 of said San Jacinto Lofts addition, and departing said southwesterly line of said Lot 28 and continuing with the southwesterly line of said Lot 27 and said northeasterly line of said Lot 17 for a total of 20.00 feet to the east corner of said Lot 17 and north corner of Lot 18 of said San Jacinto Lofts addition having coordinates of N=6977556.5207, E=2495447.2676 (not monumented), from whence a PK nail found bears South 46 degrees 48 minutes 14 seconds West, 0.23 feet, and also from whence an X cut found bears South 62 degrees 59 minutes 25 seconds West, 0.10 feet;

THENCE South 44 degrees 06 minutes 00 seconds West, with the southeasterly line of said Lot 17 and the northwesterly line of said Lot 18, 7.73 feet to the point of curvature having coordinates of N=6977550.9684, E=2495441.8869 (not monumented) of a non-tangent circular curve to the left having a central angle of 01 degree 42 minutes 44 seconds, a radius of 1,355.00 feet, a tangent of 20.25 feet and a chord which bears South 73 degrees 41 minutes 56 seconds West, 40.49 feet;

THENCE Westerly, departing said southeasterly line of Lot 17 and northwesterly line of said Lot 18 and over said Lot 17 with said curve to the left, an arc distance of 40.49 feet to the end of said curve having coordinates of N=6977539.6045, E=2495403.0281 (not monumented), said end of curve being on the northwesterly line of said Lot 17 and the southeasterly line of said Lot 16;



FIELD NOTES DESCRIBING A 503 SQUARE FOOT (0.0115 ACRE)  
SUB-SURFACE DRAINAGE TUNNEL EASEMENT  
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 534)  
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 641,  
PART OF LOT 17, SAN JACINTO LOFTS,  
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS  
FROM LASHEY DAWKINS

**EXHIBIT A**

THENCE North 44 degrees 06 minutes 00 seconds East, with said northwesterly line of Lot 17 and the southeasterly line of said Lot 16, 42.94 feet to the POINT OF BEGINNING and containing 503 square feet (0.0115 acre) of land, more or less.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.000136506

For Nathan D. Maier Consulting Engineers, Inc.

  
\_\_\_\_\_  
Gary W. Matthews  
Registered Professional Land Surveyor  
Texas No. 5534 9.13.2013



FIELD NOTES APPROVED:

*PER* 10/25/13



**NORTH**  
SCALE 1"=50'

BLOCK 2/642  
KNOX ADDITION  
VOL. 277, PG. 361  
M.R.D.C.T.

**ROSS AVENUE**  
(80' RIGHT-OF-WAY)

**CADDO STREET**  
(50' RIGHT-OF-WAY)

SAN JACINTO  
INST. NO. 200600353438  
O.P.R.D.C.T.

JENSEN COURT  
20' SHARED ACCESS AREA

BLOCK 1/642, LOT 2  
KNOX ADDITION  
VOL. 277, PG. 361  
M.R.D.C.T.

SARKIS J. KECEJIAN TRUST  
INST. NO. 200900005925  
O.P.R.D.C.T.

SARKIS J. KECEJIAN TRUST  
INST. NO. 200900005925  
O.P.R.D.C.T.

BLOCK 1/642, LOT 1  
KNOX ADDITION  
VOL. 277, PG. 361  
M.R.D.C.T.

\*SEE DETAIL ON  
PAGE 4 OF 4\*

(UNPLATTED)  
ESTATE OF GEORGE TAN  
3820 ROSS AVE.  
CAUSE NO. 01-3905  
VOL. 526, PG. 585  
PROBATE RECORDS  
DALLAS COUNTY, TEXAS

BLOCK 1/642, LOT 21  
KNOX ADDITION  
VOL. 277, PG. 361  
M.R.D.C.T.

641 HOLDINGS LLC  
INST. NO. 201200298014  
O.P.R.D.C.T.

BLOCK 641

(UNPLATTED)  
GORDON W. ELDEN  
VOL. 2003241, PG. 10584  
O.P.R.D.C.T.

BLOCK 641

TRIBECA WAY  
20' SHARED ACCESS AREA

SOHO LANE  
20' SHARED ACCESS AREA

5' SHARED ACCESS & COMMON AREA

LOT 16  
ROBERT & WESSIE MCKEY  
INST. NO. 200600399021  
O.P.R.D.C.T.

LOT 29  
JOHN GRIGSBY  
INST. NO. 201000021671  
O.P.R.D.C.T.

LOT 30  
GREGORY J. JOHNSTON  
INST. NO. 201000228214  
O.P.R.D.C.T.

LOT 31  
KIMBERLY J. ECKSTON  
INST. NO. 201000059230  
O.P.R.D.C.T.

LOT 32  
MICHAEL A. DEGAUO  
INST. NO. 200900308131  
O.P.R.D.C.T.

LOT 33  
SHAG CARPET CO. LLC  
INST. NO. 20120010088  
O.P.R.D.C.T.

LOT 34  
RUPAL PATEL  
INST. NO. 200900177426  
O.P.R.D.C.T.

LOT 35  
AM P. SHAW  
INST. NO. 201000162601  
O.P.R.D.C.T.

LOT 36  
JOE & ISABEL RAMOS WILCOX  
INST. NO. 201000062526  
O.P.R.D.C.T.

LOT 17  
ERIC & USA  
INST. NO. 201100097874  
O.P.R.D.C.T.

LOT 27  
DEONORA L. INEELOR  
INST. NO. 200800358467  
O.P.R.D.C.T.

LOT 28  
BONNIE BOSE HARTING  
INST. NO. 200900334779  
O.P.R.D.C.T.

LOT 26  
ISABELA FELNER  
INST. NO. 200800338201  
O.P.R.D.C.T.

LOT 25  
SAN JACINTO URBAN LOFTS  
INST. NO. 20060007151  
O.P.R.D.C.T.

LOT 25  
OSCAR L. BRADA  
INST. NO. 200800345303  
O.P.R.D.C.T.

BLOCK 641  
SAN JACINTO LOFTS  
INST. NO. 200600246518  
O.P.R.D.C.T.

**SAN JACINTO STREET**  
(50' RIGHT-OF-WAY)



FIELD NOTES APPROVED:

10/25/13

NOTE: SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

**LEGEND**

D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS	---	RIGHT-OF-WAY LINE
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS	---	EASEMENT LINE
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS	---	SUBDIVISION LINE
INST. NO.	INSTRUMENT NUMBER	---	PROPERTY LINE
VOL., PG.	VOLUME, PAGE	IRF	IRON ROD FOUND
ESMT.	EASEMENT	IPF	IRON PIPE FOUND
SQ. FT.	SQUARE FEET	CM	CONTROLLING MONUMENT
		FPK	FOUND PK NAIL
		FX	FOUND "X"

PAGE 3 OF 4

503 SQ. FT. (0.0115 ACRE) SUB-SURFACE DRAINAGE TUNNEL EASEMENT CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 534) TO BE ACQUIRED IN CITY OF DALLAS BLOCK 641, PART OF LOT 17, SAN JACINTO LOFTS, JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495 CITY OF DALLAS, DALLAS COUNTY, TEXAS FROM LASHEY DAWKINS

**NDM**

NATHAN D. MAIER  
CONSULTING ENGINEERS, INC.  
TBPE FIRM REG. NO. F-356  
TBPLS FIRM REG. NO. 100189-00

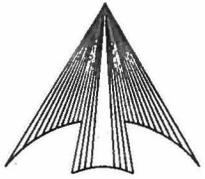
Two Northpark / 8080 Park Lane / Suite 600  
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09/13/2013

PARCEL-534.DWG

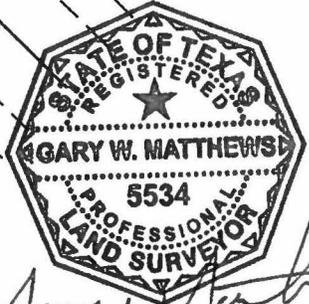
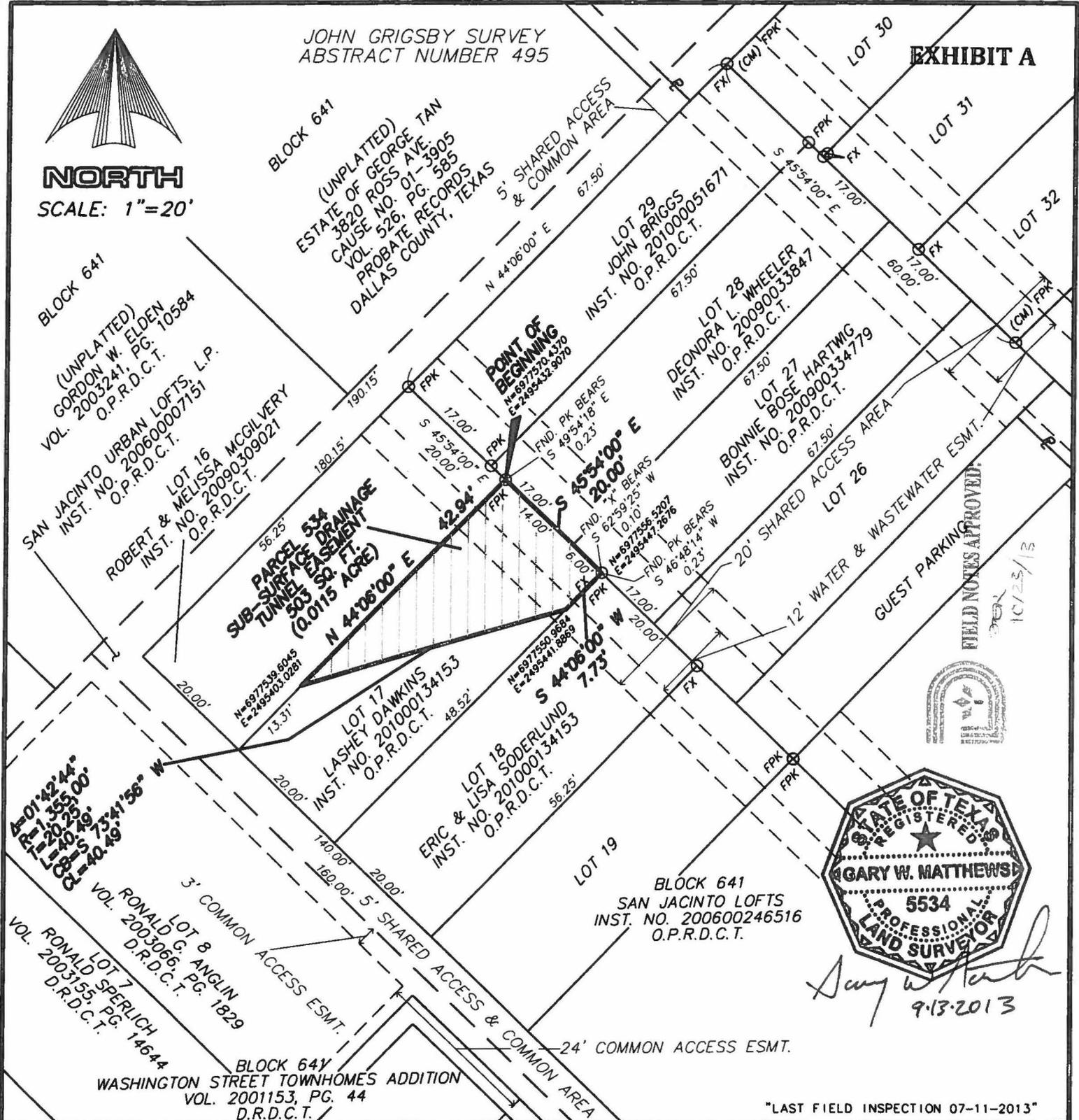
JOHN GRIGSBY SURVEY  
ABSTRACT NUMBER 495

EXHIBIT A



**NORTH**

SCALE: 1"=20'



*Gary W. Matthews*  
9-13-2013



FIELD NOTES APPROVED  
10/23/13

"LAST FIELD INSPECTION 07-11-2013"

NOTE: SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED.

PAGE 4 OF 4

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

503 SQ. FT. (0.0115 ACRE) SUB-SURFACE DRAINAGE TUNNEL EASEMENT CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 534) TO BE ACQUIRED IN CITY OF DALLAS BLOCK 641, PART OF LOT 17, SAN JACINTO LOFTS, JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495 CITY OF DALLAS, DALLAS COUNTY, TEXAS FROM LASHEY DAWKINS

**LEGEND**

D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS	---	RIGHT-OF-WAY LINE
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS	---	EASEMENT LINE
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS	---	SUBDIVISION LINE
INST. NO.	INSTRUMENT NUMBER	---	PROPERTY LINE
VOL., PG.	VOLUME, PAGE	IRF	IRON ROD FOUND
ESMT.	EASEMENT	IPF	IRON PIPE FOUND
SQ. FT.	SQUARE FEET	CM	CONTROLLING MONUMENT
		FPK	FOUND PK NAIL
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NATHAN D. MAIER  
CONSULTING ENGINEERS, INC.  
TBPE FIRM REG. NO. F-356  
TBPLS FIRM REG. NO. 100189-00

Two Northpark / 8080 Park Lane / Suite 600  
Dallas, Texas 75231 / (214) 739-4741

09/13/2013

PARCEL-534.DWG



**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** April 22, 2015  
**COUNCIL DISTRICT(S):** 2  
**DEPARTMENT:** Trinity Watershed Management  
**CMO:** Jill A. Jordan, P.E., 670-5299  
**MAPSCO:** 46E

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**SUBJECT**

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Riverfront Properties LP, of a subsurface easement under approximately 3,756 square feet of land located on Swiss Avenue near its intersection with Peak Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed \$14,770 (\$12,770 plus closing costs and title expenses not to exceed \$2,000) – Financing: 2006 Bond Funds

**BACKGROUND**

This item is on the addendum to expedite the acquisition process in order to meet the project schedule.

This item authorizes the acquisition of a subsurface easement located under approximately 3,756 square feet of land from Riverfront Properties LP. This property is located on Swiss Avenue near its intersection with Peak Street and will be used for the Mill Creek/Peaks Branch/ State Thomas Drainage Relief Tunnel Project. The consideration is based on an independent appraisal.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

This item has no prior action.

**FISCAL INFORMATION**

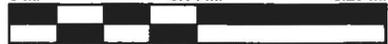
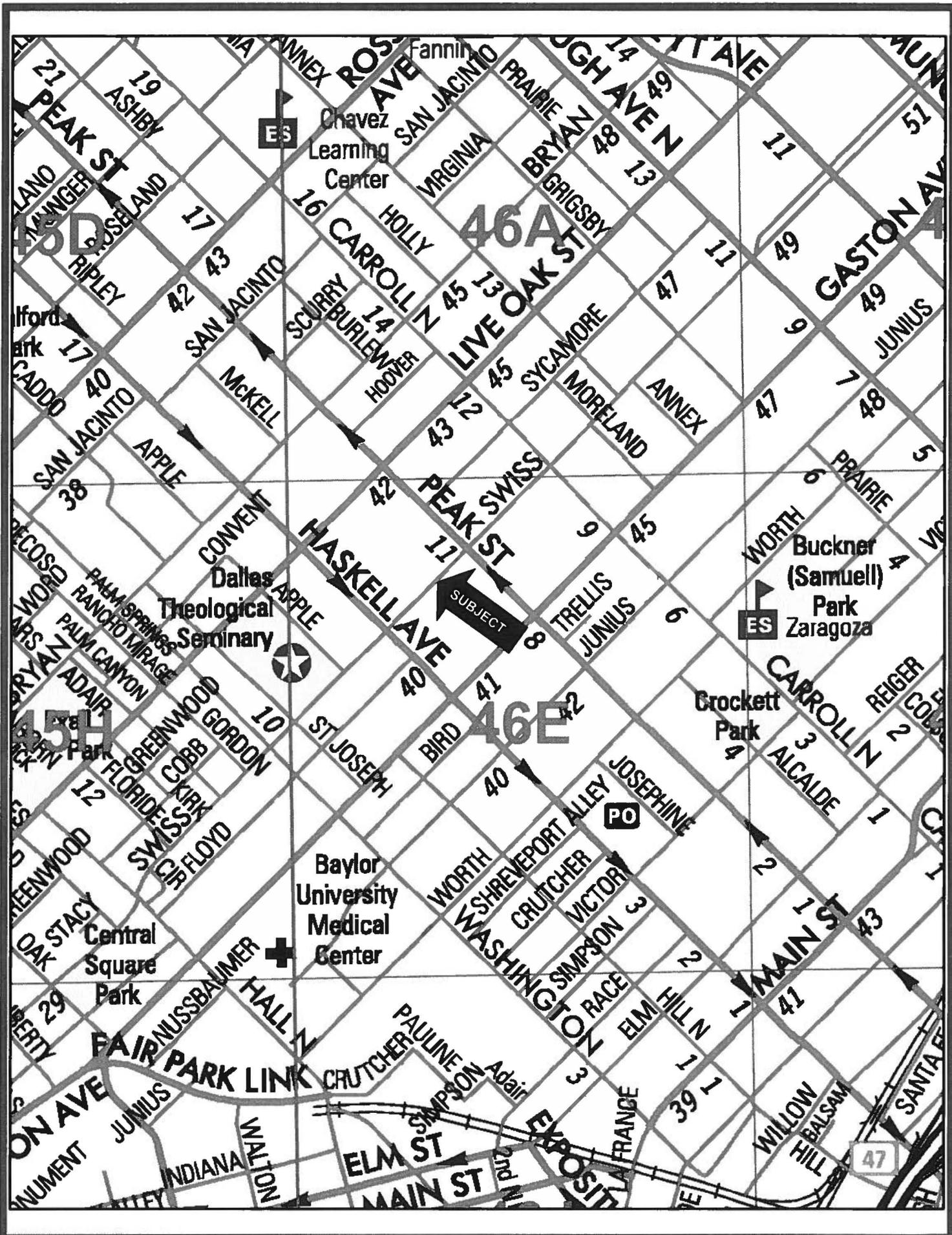
2006 Bond Funds - \$14,770 (\$12,770 plus closing costs and title expenses not to exceed \$2,000)

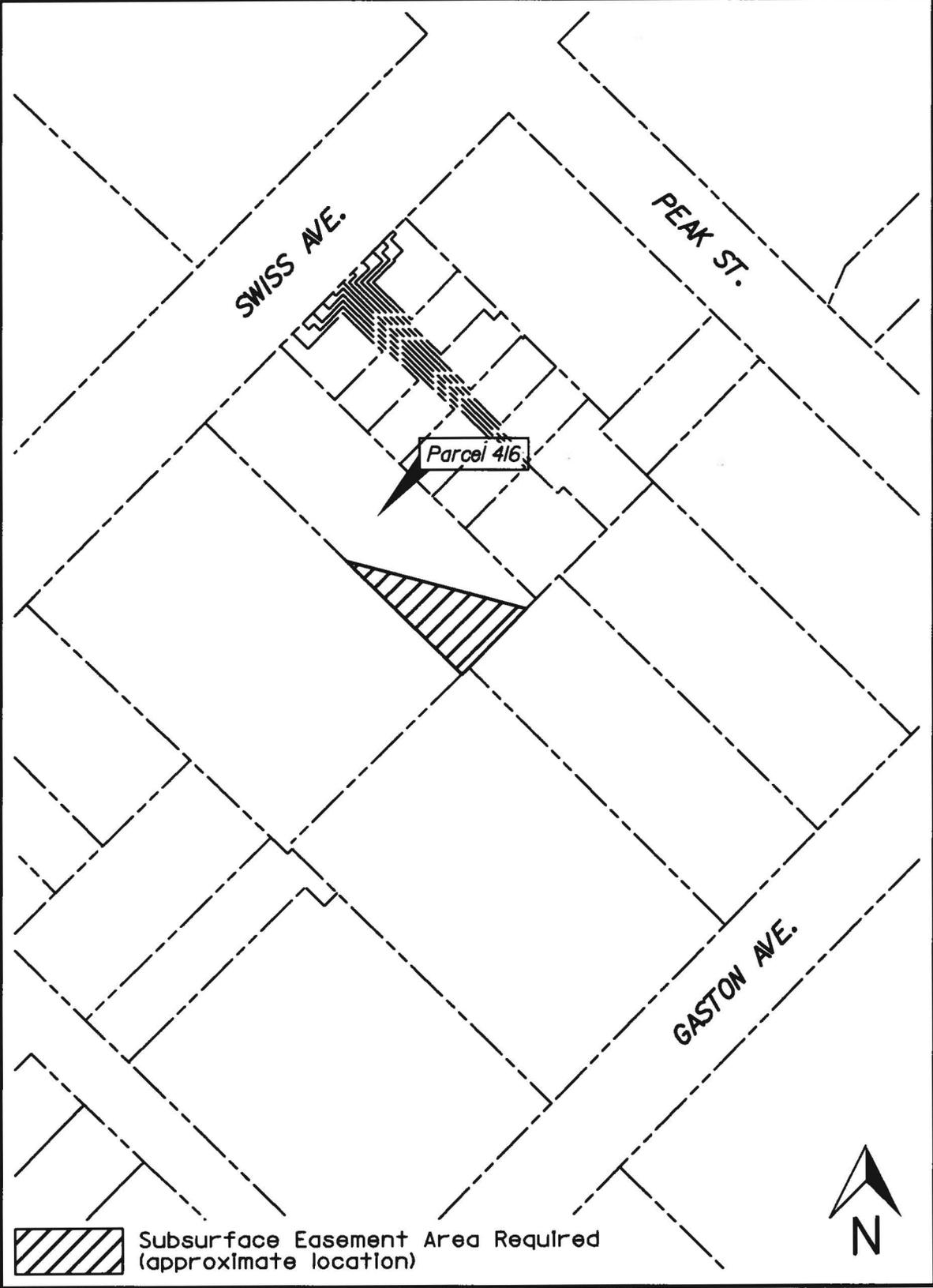
**OWNER**

Riverfront Properties LP

**MAPS**

Attached



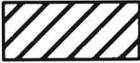


SWISS AVE.

PEAK ST.

Parcel 416

GASTON AVE.



Subsurface Easement Area Required (approximate location)



April 22, 2015

**A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION AND/OR CONDEMNATION FOR PUBLIC USE.**

**DEFINITIONS:** For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas

"PROPERTY": Located under approximately 3,756 square feet in area, lying between the subsurface elevations of 216 feet and 390 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, the boundary of which property being more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project

"USE": The below ground construction, installation, use, and maintenance of a deep tunnel for storage and transmission of storm drainage.

"PROPERTY INTEREST": Flood Control Tunnel Easement

"OWNER": Riverfront Properties LP, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"OFFER AMOUNT": \$12,770.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$2,000.00

"AUTHORIZED AMOUNT": \$14,770.00

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**SECTION 1.** That the USE of the PROPERTY for the PROJECT is a public use.

**SECTION 2.** That public necessity requires that the CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

April 22, 2015

**SECTION 3.** That for the purpose of acquiring the PROPERTY INTEREST in the PROPERTY, the Assistant Director of the Department of Sustainable Development and Construction Department, Real Estate Division, or such person as she may designate, is hereby authorized and directed to offer the OFFER AMOUNT as payment for the PROPERTY INTEREST in the PROPERTY.

**SECTION 4.** That in the event the OWNER accepts the OFFER AMOUNT, the Chief Financial Officer is authorized and directed to draw a warrant in favor of the OWNER, the then current owner of record, or the title company closing the transaction described herein in the OFFER AMOUNT payable out of 2006 Bond Funds: Fund No. 1T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. CT-PBW06T525G40, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 1T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. CT-PBW06T525G41. The OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 5.** That the CITY is to have possession of the PROPERTY at closing; and the CITY will pay the CLOSING COSTS AND TITLE EXPENSES. In the event of condemnation, the CITY will pay costs as may be assessed by the Special Commissioners or the court. Further, that expenses determined by the City Attorney to be necessary are authorized for payment. All costs and expenses described in this section shall be paid from the previously described funds.

**SECTION 6.** That if the OWNER refuses to accept the OFFER AMOUNT, the CITY will appropriate the PROPERTY INTEREST in the PROPERTY for the PROJECT under the laws of eminent domain and the provisions of the Charter of the City of Dallas. In such case, the City Attorney is authorized and requested to file the necessary proceeding(s) and take the necessary action for the prompt acquisition of the PROPERTY INTEREST in the PROPERTY by condemnation or in any manner provided by law.

**SECTION 7.** That in the event it is subsequently determined that additional persons other than those named herein have an interest in the PROPERTY, the City Attorney is authorized and directed to join said parties as defendants in said condemnation proceedings or suit(s).

**SECTION 8.** That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

**SECTION 9.** That OWNER has been provided with a copy of the Landowner's Bill of Rights as required by Texas Property Code Section 21.0112.

April 22, 2015

**SECTION 10.** That in the event the City Attorney files a condemnation proceeding because the OWNER refused to accept the OFFER AMOUNT; and in the event the special commissioners appointed by the Court return an award that is the same amount or less than the OFFER AMOUNT, the City Attorney is hereby authorized to deposit the award in the registry of the Court and to settle the condemnation proceeding, or if the condemnation proceeding becomes a lawsuit, the lawsuit, for an amount not to exceed the OFFER AMOUNT; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the OFFER AMOUNT made payable to the County Clerk of Dallas County, to be deposited into the registry of the Court, to enable the CITY to take possession of the PROPERTY without further action of the Dallas City Council; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed \$2,000.00 for CLOSING COSTS AND TITLE EXPENSES in favor of the title company closing the transaction described herein. The Award, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 11.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**APPROVED AS TO FORM:**  
**WARREN M. S. ERNST, City Attorney**

BY   
Assistant City Attorney

**FIELD NOTES DESCRIBING A 0.0862-ACRE (3,756-SQUARE-FOOT)  
SUB-SURFACE DRAINAGE TUNNEL EASEMENT  
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 416)  
PART OF CITY BLOCK 7/767, PEAK'S SUBURBAN ADDITION  
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

**EXHIBIT A**

**FROM BOARD OF TRUSTEES OF THE AMALGAMATED TRANSIT UNION LOCAL DIVISION 1338**

**BEING** a 0.0862-acre (3,756-square-foot) tract of land situated in the City of Dallas and the John Grigsby Survey, Abstract Number 495, Dallas County, Texas, and being part of Block 7 (Official City of Dallas Block Number 7/767) of Peak's Suburban Addition, an addition to the City of Dallas recorded in Volume 45, Page 56 of the Deed Records of Dallas County, Texas, and being part of that certain tract of land conveyed to Board of Trustees of the Amalgamated Transit Union Local Division 1338 as evidenced by Warranty Deed with Vendor's Lien recorded in Volume 99205, Page 3175 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

(NOTE: Subsurface easement corners are not monumented.)

**BEGINNING** at the south corner of said Amalgamated Transit Union tract and a re-entrant corner of those certain tracts of land conveyed to East West Gaston Partners as evidenced by Special Warranty Deed with Vendor's Lien recorded in Instrument Number 201200355919 of the Official Public Records of Dallas County, Texas, having coordinates of N=6976592.8440, E=2498026.1936, from which a PK nail found (controlling monument) in the southeast right-of-way line of Swiss Avenue and marking the west corner of said Board of Trustees of the Amalgamated Transit Union Local Division 1338 tract bears North 45 degrees 10 minutes 57 seconds West a distance of 252.76 feet;

**THENCE** North 45 degrees 10 minutes 57 seconds West along the southwest line of said Amalgamated Transit Union tract and the northeast line of said East West Gaston Partners tract a distance of 114.40 feet, having coordinates of N=6976673.4679, E=2497945.0547 (not monumented);

**THENCE** South 75 degrees 10 minutes 00 seconds East departing the common northeast line of said East West Gaston Partners tract and southwest line of said Amalgamated Transit Union tract, over and across said Amalgamated Transit Union tract, a distance of 131.41 feet to the most southeasterly northwest line of said East West Gaston Partners tract and the southeast line of said Amalgamated Transit Union tract, having coordinates of N=6976639.8314, E=2498072.0646 (not monumented);

**THENCE** South 44 degrees 18 minutes 40 seconds West along the common southeast line of said Amalgamated Transit Union tract and north line of said Greenway-Gaston tract a distance of 65.67 to the **POINT OF BEGINNING**;



FIELD NOTES APPROVED

PER 1/22/14

**FIELD NOTES DESCRIBING A 0.0862-ACRE (3,756-SQUARE-FOOT)  
SUB-SURFACE DRAINAGE TUNNEL EASEMENT  
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 416)  
PART OF CITY BLOCK 7/767, PEAK'S SUBURBAN ADDITION  
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS  
FROM BOARD OF TRUSTEES OF THE AMALGAMATED TRANSIT UNION LOCAL DIVISION 1338**

**EXHIBIT A**

**CONTAINING** within the metes recited 0.0862 acre (3,756 square feet) of land, more or less.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.



FIELD NOTES APPROVED:  
*JGR* 1/22/14

**PEAK STREET**  
(60' RIGHT-OF-WAY)

ROW LINE **EXHIBIT A**

**SWISS AVENUE**  
(80' RIGHT-OF-WAY)

ROW LINE

DR. ROBERT TAU GUNBY AND WIFE,  
ELIZABETH GUNBY  
VOLUME 84152, PAGE 3224  
D.R.D.C.T.

**JOHN GRIGSBY SURVEY**  
- ABSTRACT NO. 495

WELCOME HOUSE, INCORPORATED  
VOLUME 2000016,  
PAGE 4577-4580  
D.R.D.C.T.

NORTH PEAK CENTER, LLC  
INST. 200900037207  
O.P.R.D.C.T.

SWISS AVENUE ADDITION  
LOTS 3A-3F & 4A-4F  
VOLUME 2000247, PAGE 26  
M.R.D.C.T.

AMENDED BY  
SWISS AVENUE ADDITION  
LOTS 3A-3F & 4F  
VOLUME 2002067, PAGE 7  
M.R.D.C.T.

PARCEL 416  
SUB-SURFACE DRAINAGE  
TUNNEL EASEMENT  
0.0862 ACRE  
(3,756 SQ. FT.)

MSC-I, LTD.  
VOLUME 2001229,  
PAGE 3303-3305  
D.R.D.C.T.

253.16'

1/2" FIR

252.07'

22.43'

9.07'

N-6976639.8314  
E-2498072.0646

BOARD OF TRUSTEES OF THE  
AMALGAMATED TRANSIT UNION  
LOCAL DIVISION 1338  
VOLUME 99205,  
PAGE 3175  
D.R.D.C.T.

S75°10'00"E  
131.41'

S44°18'40"W  
65.67'

**POINT OF BEGINNING**

(C.M.)  
PK FND.

137.87'  
N45°10'57"W - 252.76'

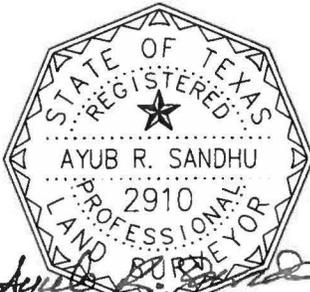
N45°10'57"W  
114.40'

N-6976673.4679  
E-2497945.0547

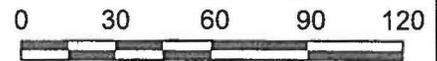
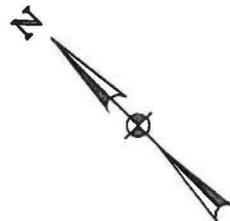
N-6976592.8440  
E-2498026.1936

PEAK'S SUBURBAN  
ADDITION  
VOL. 45, PG. 56  
D.R.D.C.T.

EAST WEST GASTON PARTNERS, LP  
INST. 201200355919  
O.P.R.D.C.T.



1-20-14



SCALE: 1"=60'

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

**LEGEND**

- ROW LINE
- PROPERTY LINE
- LOT LINE
- SUBDIVISION LINE
- PROP. EASEMENT LINE
- IRON ROD
- X-CUT
- MONUMENT

NOTE: SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED

DAVID CARTER  
VOLUME 88240, PAGE 1657-1658  
D.R.D.C.T.

- (C.M.) CONTROLLING MONUMENT
- FIR FOUND IRON ROD
- FIP FOUND IRON PIPE
- D.R.D.C.T. DEED RECORDS DALLAS COUNTY TEXAS
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS DALLAS COUNTY TEXAS

SUB-SURFACE DRAINAGE TUNNEL EASEMENT  
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 416)  
PART OF CITY BLOCK 7767  
OF PEAK'S SUBURBAN ADDITION  
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

**ARS Engineers, Inc.**

12801 N. Central Expressway, Suite 1250  
Dallas, Texas 75243  
Surv. Firm No. 10131900 (214) 739-3152 Fax (214) 739-3189

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** April 22, 2015  
**COUNCIL DISTRICT(S):** 14  
**DEPARTMENT:** Trinity Watershed Management  
**CMO:** Jill A. Jordan, P.E., 670-5299  
**MAPSCO:** 45D

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**SUBJECT**

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Ronald G. Anglin, of a subsurface easement under approximately 247 square feet of land located on San Jacinto Street near its intersection with Caddo Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project – Not to exceed \$2,514 (\$914 plus closing costs and title expenses not to exceed \$1,600) - Financing: 2006 Bond Funds

**BACKGROUND**

This item is on the addendum to expedite the acquisition process in order to meet the project schedule.

This item authorizes the acquisition of a subsurface easement located under approximately 247 square feet of land from Ronald G. Anglin. This property is located on San Jacinto Street near its intersection with Caddo Street and will be used for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project. The consideration is based on an independent appraisal.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

This item has no prior action.

**FISCAL INFORMATION**

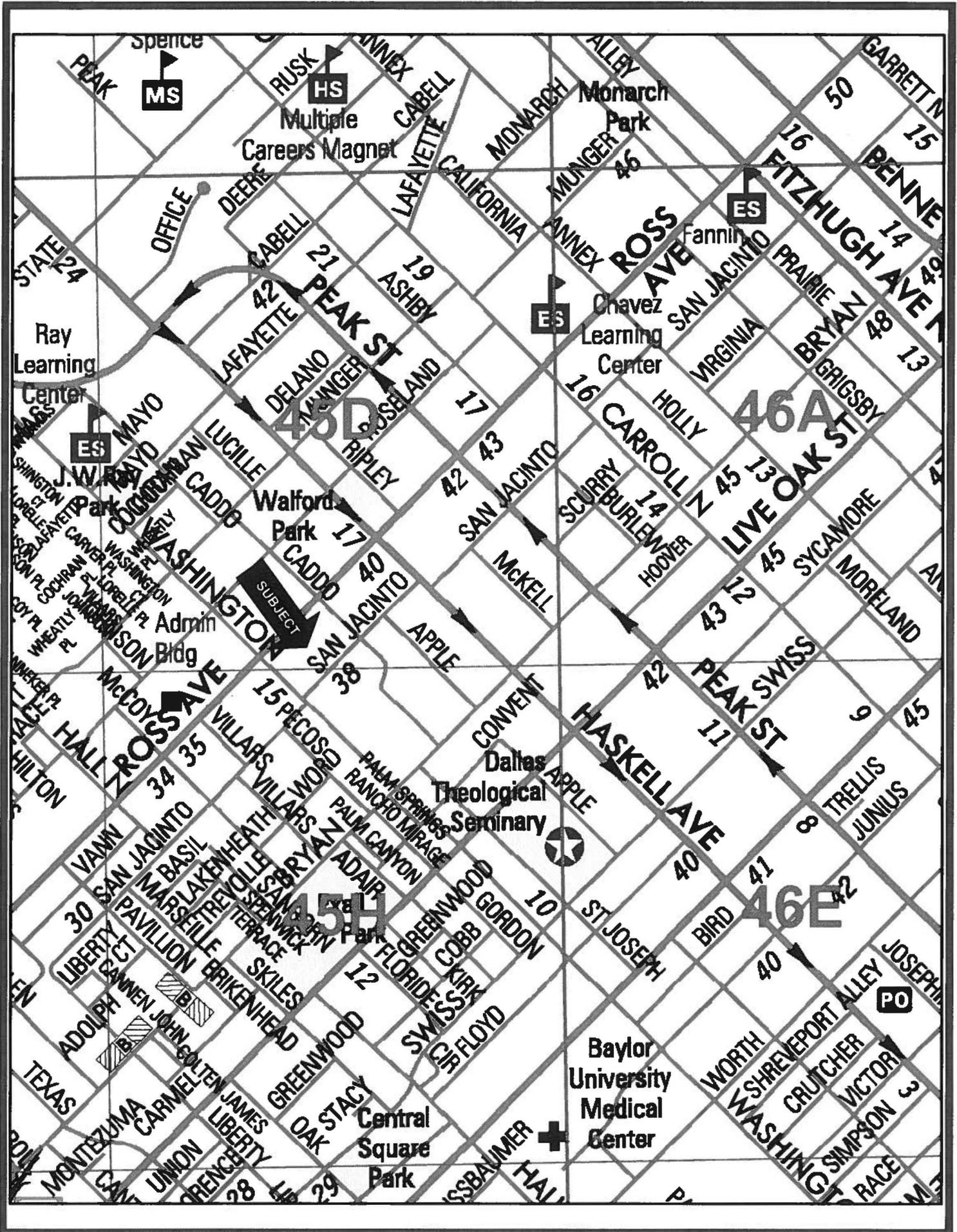
2006 Bond Funds - \$2,514 (\$914 plus closing costs and title expenses not to exceed \$1,600)

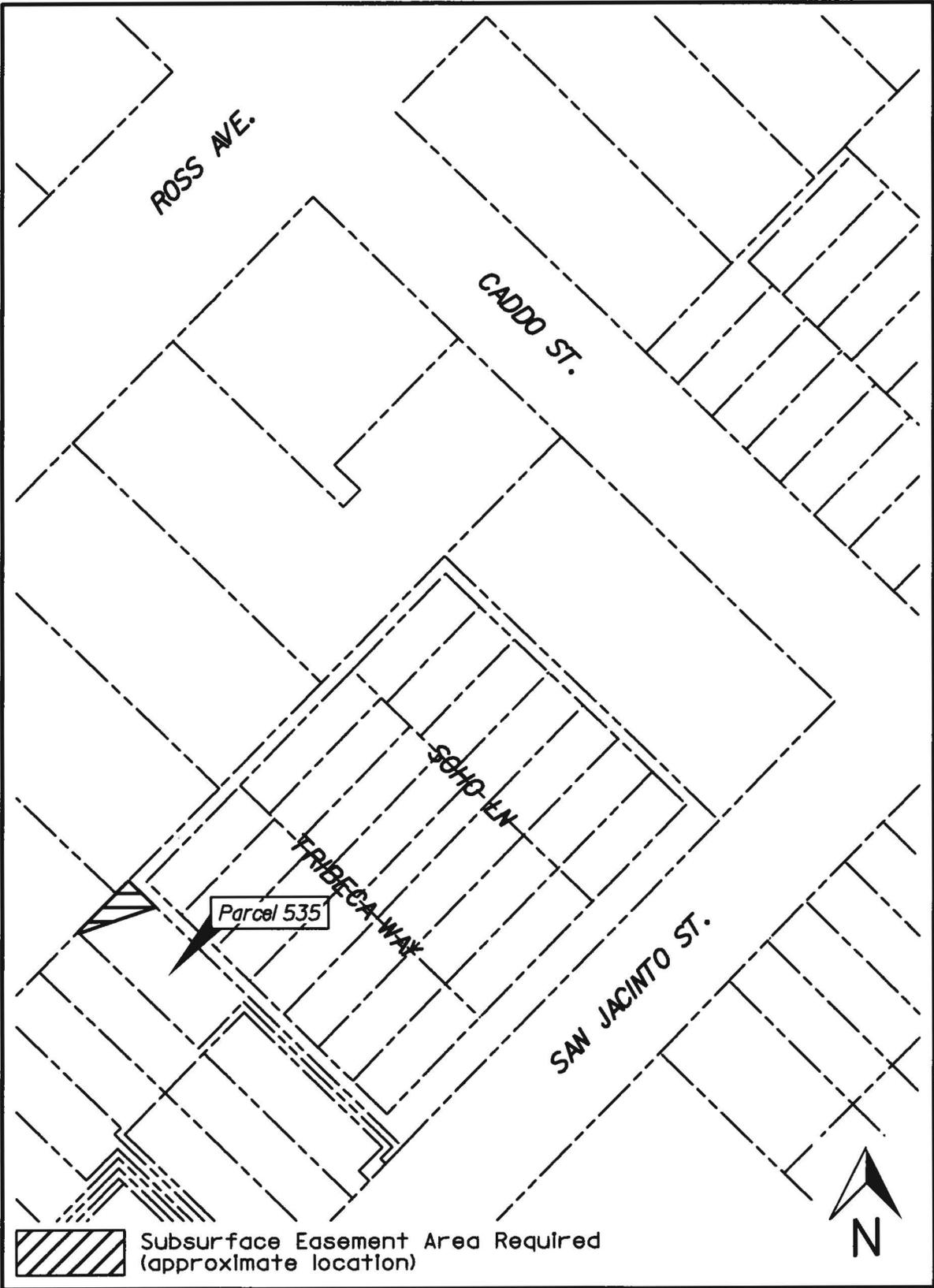
**OWNER**

Ronald G. Anglin

**MAPS**

Attached





April 22, 2015

**A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION AND/OR CONDEMNATION FOR PUBLIC USE.**

**DEFINITIONS:** For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas

"PROPERTY": Located under approximately 247 square feet in area, lying between the subsurface elevations of 231 feet and 404 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, the boundary of which property being more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project

"USE": The below ground construction, installation, use, and maintenance of a deep tunnel for storage and transmission of storm drainage.

"PROPERTY INTEREST": Flood Control Tunnel Easement

"OWNER": Ronald G. Anglin, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"OFFER AMOUNT": \$914.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$1,600.00

"AUTHORIZED AMOUNT": \$2,514.00

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**SECTION 1.** That the USE of the PROPERTY for the PROJECT is a public use.

**SECTION 2.** That public necessity requires that the CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

April 22, 2015

**SECTION 3.** That for the purpose of acquiring the PROPERTY INTEREST in the PROPERTY, the Assistant Director of the Department of Sustainable Development and Construction Department, Real Estate Division, or such person as she may designate, is hereby authorized and directed to offer the OFFER AMOUNT as payment for the PROPERTY INTEREST in the PROPERTY.

**SECTION 4.** That in the event the OWNER accepts the OFFER AMOUNT, the Chief Financial Officer is authorized and directed to draw a warrant in favor of the OWNER, the then current owner of record, or the title company closing the transaction described herein in the OFFER AMOUNT payable out of 2006 Bond Funds: Fund No. 1T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. CT-PBW06T525G37, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 1T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. CT-PBW06T525G38. The OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 5.** That the CITY is to have possession of the PROPERTY at closing; and the CITY will pay the CLOSING COSTS AND TITLE EXPENSES. In the event of condemnation, the CITY will pay costs as may be assessed by the Special Commissioners or the court. Further, that expenses determined by the City Attorney to be necessary are authorized for payment. All costs and expenses described in this section shall be paid from the previously described funds.

**SECTION 6.** That if the OWNER refuses to accept the OFFER AMOUNT, the CITY will appropriate the PROPERTY INTEREST in the PROPERTY for the PROJECT under the laws of eminent domain and the provisions of the Charter of the City of Dallas. In such case, the City Attorney is authorized and requested to file the necessary proceeding(s) and take the necessary action for the prompt acquisition of the PROPERTY INTEREST in the PROPERTY by condemnation or in any manner provided by law.

**SECTION 7.** That in the event it is subsequently determined that additional persons other than those named herein have an interest in the PROPERTY, the City Attorney is authorized and directed to join said parties as defendants in said condemnation proceedings or suit(s).

**SECTION 8.** That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

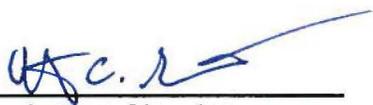
**SECTION 9.** That OWNER has been provided with a copy of the Landowner's Bill of Rights as required by Texas Property Code Section 21.0112.

April 22, 2015

**SECTION 10.** That in the event the City Attorney files a condemnation proceeding because the OWNER refused to accept the OFFER AMOUNT; and in the event the special commissioners appointed by the Court return an award that is the same amount or less than the OFFER AMOUNT, the City Attorney is hereby authorized to deposit the award in the registry of the Court and to settle the condemnation proceeding, or if the condemnation proceeding becomes a lawsuit, the lawsuit, for an amount not to exceed the OFFER AMOUNT; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the OFFER AMOUNT made payable to the County Clerk of Dallas County, to be deposited into the registry of the Court, to enable the CITY to take possession of the PROPERTY without further action of the Dallas City Council; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed \$1,600.00 for CLOSING COSTS AND TITLE EXPENSES in favor of the title company closing the transaction described herein. The Award, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 11.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**APPROVED AS TO FORM:**  
**WARREN M. S. ERNST, City Attorney**

BY   
Assistant City Attorney

FIELD NOTES DESCRIBING A 247 SQUARE FOOT (0.0057 ACRE)  
SUB-SURFACE DRAINAGE TUNNEL EASEMENT  
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 535)  
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 641,  
PART OF LOT 8, WASHINGTON STREET TOWNHOMES ADDITION,  
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS  
FROM RONALD G. ANGLIN

**EXHIBIT A**

BEING a 247 square foot (0.0057 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, in City Block 641 of the City of Dallas, Dallas County, Texas, and being part of Lot 8, Block 641, Washington Street Townhomes Addition, an addition to the City of Dallas according to the map of said Washington Street Townhomes Addition recorded in Volume 2001153, Page 44 of the Deed Records of Dallas County, Texas, and being part of that tract of land described in General Warranty Deed With Vendor's Lien to Ronald G. Anglin recorded in Volume 2003066, Page 1829 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

(Note: Subsurface easement corners are not monumented.)

BEGINNING on the southeast line of that tract of land described in General Warranty Deed to Gordon W. Elden recorded in Volume 2003241, Page 10584 of the Deed Records of Dallas County, Texas at the north corner of said Washington Street Townhomes Addition, same being the north corner of said Lot 8 and the west corner of San Jacinto Lofts, an addition to the City of Dallas according to the map of said San Jacinto Lofts addition recorded in Instrument No. 200600246516 of the Official Public Records of Dallas County, Texas having coordinates of N=6977544.4685, E=2495371.8088 (not monumented), from whence a 3/8 inch iron rod found bears South 38 degrees 35 minutes 17 seconds East, 0.94 feet;

THENCE South 45 degrees 47 minutes 10 seconds East, departing said southeasterly line of said Elden tract and with the northeasterly line of said Washington Street Townhomes Addition, same being the northeasterly line of said Lot 8, and the southwesterly line of said San Jacinto Lofts addition, 15.97 feet to the point of curvature having coordinates of N=6977533.3333, E=2495383.2539 (not monumented) of a non-tangent circular curve to the left having a central angle of 01 degree 25 minutes 27 seconds, a radius of 1,355.00 feet, a tangent of 16.84 feet and a chord which bears South 71 degrees 15 minutes 12 seconds West, 33.68 feet;

THENCE Westerly, departing said northeasterly line of Washington Street Townhomes Addition, the northeasterly line of said Lot 8 and said southwesterly line of San Jacinto Lofts addition and over said Lot 8 with said curve to the left, an arc distance of 33.68 feet to the end of said curve having coordinates of N=6977522.5101, E=2495351.3635 (not monumented), said end of curve being on the southwesterly line of said Lot 8 and northeasterly line of Lot 7 of said Washington Street Townhomes Addition;



FIELD NOTES DESCRIBING A 247 SQUARE FOOT (0.0057 ACRE)  
SUB-SURFACE DRAINAGE TUNNEL EASEMENT  
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 535)  
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 641,  
PART OF LOT 8, WASHINGTON STREET TOWNHOMES ADDITION,  
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS  
FROM RONALD G. ANGLIN

**EXHIBIT A**

THENCE North 45 degrees 47 minutes 10 seconds West, with said southwesterly line of Lot 8 and said northeasterly line of Lot 7, 0.66 feet to the west corner of said Lot 8 and north corner of said Lot 7 having coordinates of N=6977522.9692, E=2495350.8916 (not monumented), said corner being on the northwesterly line of said Washington Street Townhomes Addition, same being the northwesterly line of said Lot 8 and the southeasterly line of that tract of land described in Special Warranty Deed to JCJ Investments Ltd. recorded in Volume 97235, Page 2514 of the Deed Records of Dallas County, Texas;

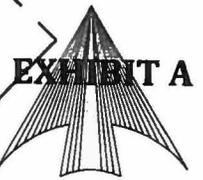
THENCE North 44 degrees 12 minutes 50 seconds East, departing said southwesterly line of Lot 8 and said northeasterly line of Lot 7, and with said northwesterly line of Washington Street Townhomes Addition, the northwesterly line of said Lot 8 and the southeasterly line of said JCJ Investments Ltd. tract, at 22.45 feet passing the east corner of said JCJ Investments Ltd. tract and the south corner of said Elden tract, and continuing with said northwesterly line of Washington Street Townhomes Addition, said northwesterly line of Lot 8 and with the southeasterly line of said Elden tract for a total of 30.00 feet to the POINT OF BEGINNING and containing 247 square feet (0.0057 acre) of land, more or less.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.000136506

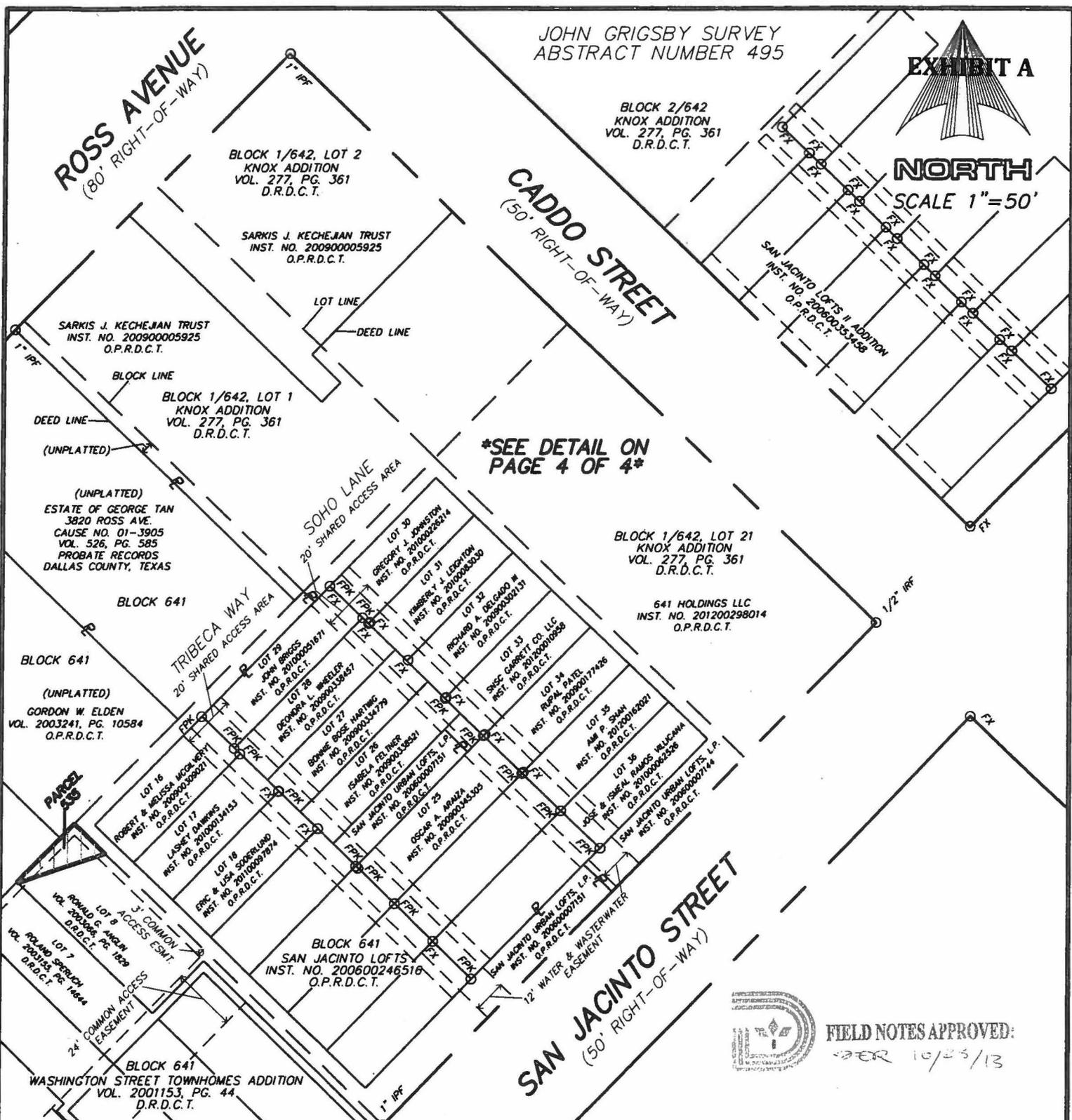
For Nathan D. Maier Consulting Engineers, Inc.

  
\_\_\_\_\_  
Gary W. Matthews  
Registered Professional Land Surveyor  
Texas No. 5534 9-13-2013





**NORTH**  
SCALE 1"=50'



**\*SEE DETAIL ON  
PAGE 4 OF 4\***

FIELD NOTES APPROVED:  
PER 10/23/13



NOTE: SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

PAGE 3 OF 4

247 SQ. FT. (0.0057 ACRE) SUB-SURFACE DRAINAGE TUNNEL EASEMENT CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 535) TO BE ACQUIRED IN CITY OF DALLAS BLOCK 641, PART OF LOT 8, WASHINGTON STREET TOWNHOMES ADDITION, JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495 CITY OF DALLAS, DALLAS COUNTY, TEXAS. FROM RONALD G. ANGLIN

LEGEND			
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS	---	RIGHT-OF-WAY LINE
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS	- - -	EASEMENT LINE
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS	---	SUBDIVISION LINE
INST. NO.	INSTRUMENT NUMBER	---	PROPERTY LINE
VOL., PG.	VOLUME, PAGE	IRF	IRON ROD FOUND
ESMT.	EASEMENT	IPF	IRON PIPE FOUND
SQ. FT.	SQUARE FEET	CM	CONTROLLING MONUMENT
		FPK	FOUND PK NAIL
		FX	FOUND "X"

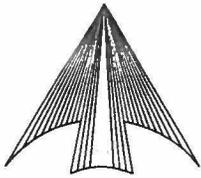


NATHAN D. MAIER  
CONSULTING ENGINEERS, INC.  
TBPE FIRM REG. NO. F-356  
TBPLS FIRM REG. NO. 100189-00

Two Northpark / 8080 Park Lane / Suite 600  
Dallas, Texas 75231 / (214) 799-4741

09/13/2013

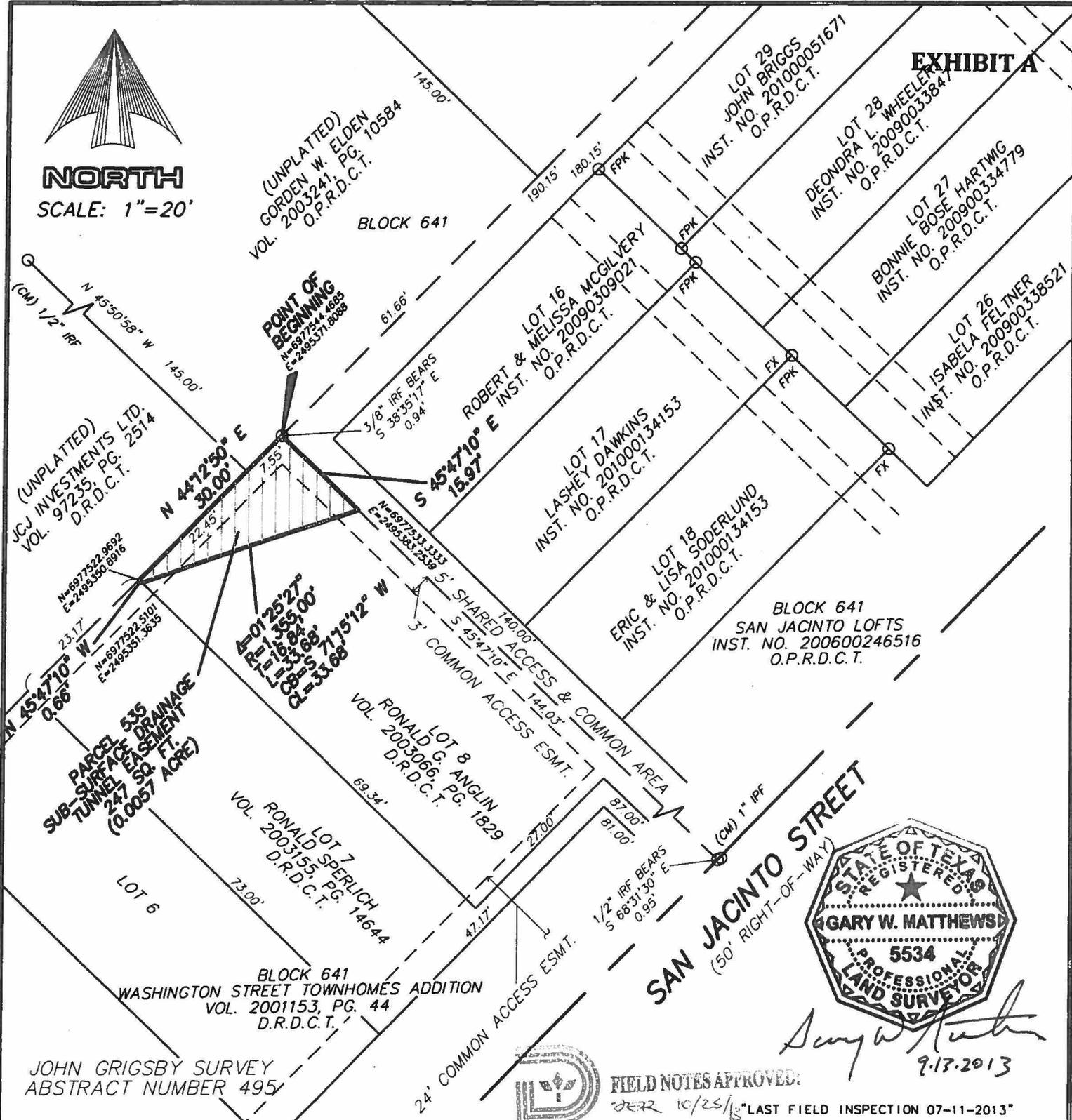
PARCEL-535.DWG



**NORTH**

SCALE: 1"=20'

**EXHIBIT A**



BLOCK 641  
SAN JACINTO LOFTS  
INST. NO. 200600246516  
O.P.R.D.C.T.

**SAN JACINTO STREET**  
(50' RIGHT-OF-WAY)



*Gary W. Matthews*  
9-13-2013

FIELD NOTES APPROVED:  
*[Signature]* 10/25/13 "LAST FIELD INSPECTION 07-11-2013"

NOTE: SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

LEGEND	
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS
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CM	CONTROLLING MONUMENT
FPK	FOUND PK NAIL
FX	FOUND "X"

PAGE 4 OF 4

247 SQ. FT. (0.0057 ACRE) SUB-SURFACE DRAINAGE TUNNEL EASEMENT CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 535) TO BE ACQUIRED IN CITY OF DALLAS BLOCK 641, PART OF LOT B, WASHINGTON STREET TOWNHOMES ADDITION, JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495 CITY OF DALLAS, DALLAS COUNTY, TEXAS. FROM RONALD G. ANGLIN



NATHAN D. MAIER  
CONSULTING ENGINEERS, INC.  
TBPE FIRM REG. NO. F-356  
TBPLS FIRM REG. NO. 100189-00  
Two Northpark / 8080 Park Lane / Suite 600  
Dallas, Texas 75231 / (214) 739-4741

09/13/2013

PARCEL-535.DWG



**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** April 22, 2015  
**COUNCIL DISTRICT(S):** 14  
**DEPARTMENT:** Trinity Watershed Management  
**CMO:** Jill A. Jordan, P.E., 670-5299  
**MAPSCO:** 45D

---

**SUBJECT**

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Southwestern Bell Telephone Company, of a subsurface easement under approximately 5,814 square feet of land located on Apple Street near its intersection with Bryan Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed \$22,349 (\$20,349 plus closing costs and title expenses not to exceed \$2,000) – Financing: 2006 Bond Funds

**BACKGROUND**

This item is on the addendum to expedite the acquisition process in order to meet the project schedule.

This item authorizes the acquisition of a subsurface easement located under approximately 5,814 square feet of land from Southwestern Bell Telephone Company. This property is located on Apple Street near its intersection with Bryan Street and will be used for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project. The consideration is based on an independent appraisal.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

This item has no prior action.

**FISCAL INFORMATION**

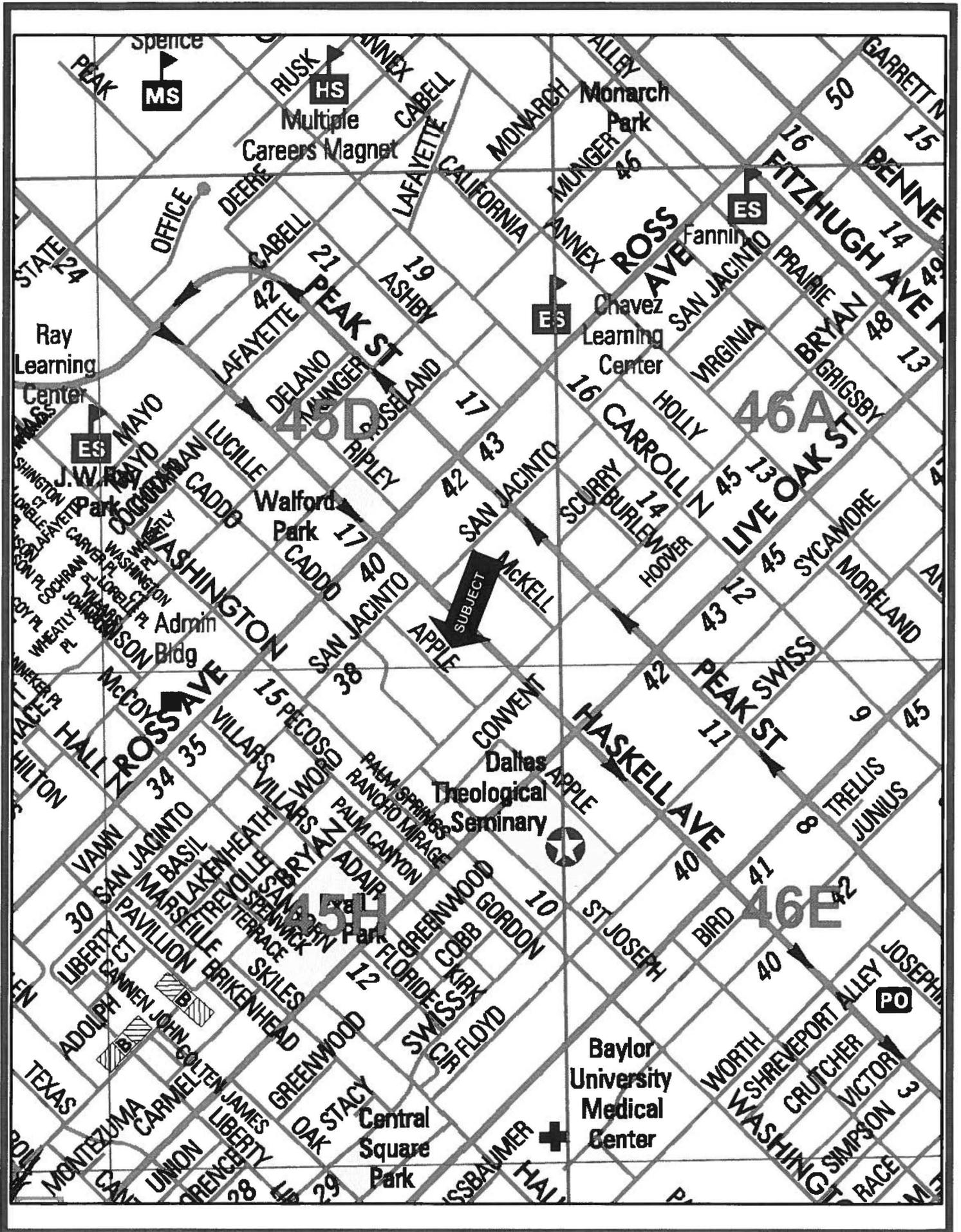
2006 Bond Funds - \$22,349 (\$20,349 plus closing costs and title expenses not to exceed \$2,000)

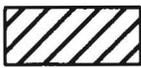
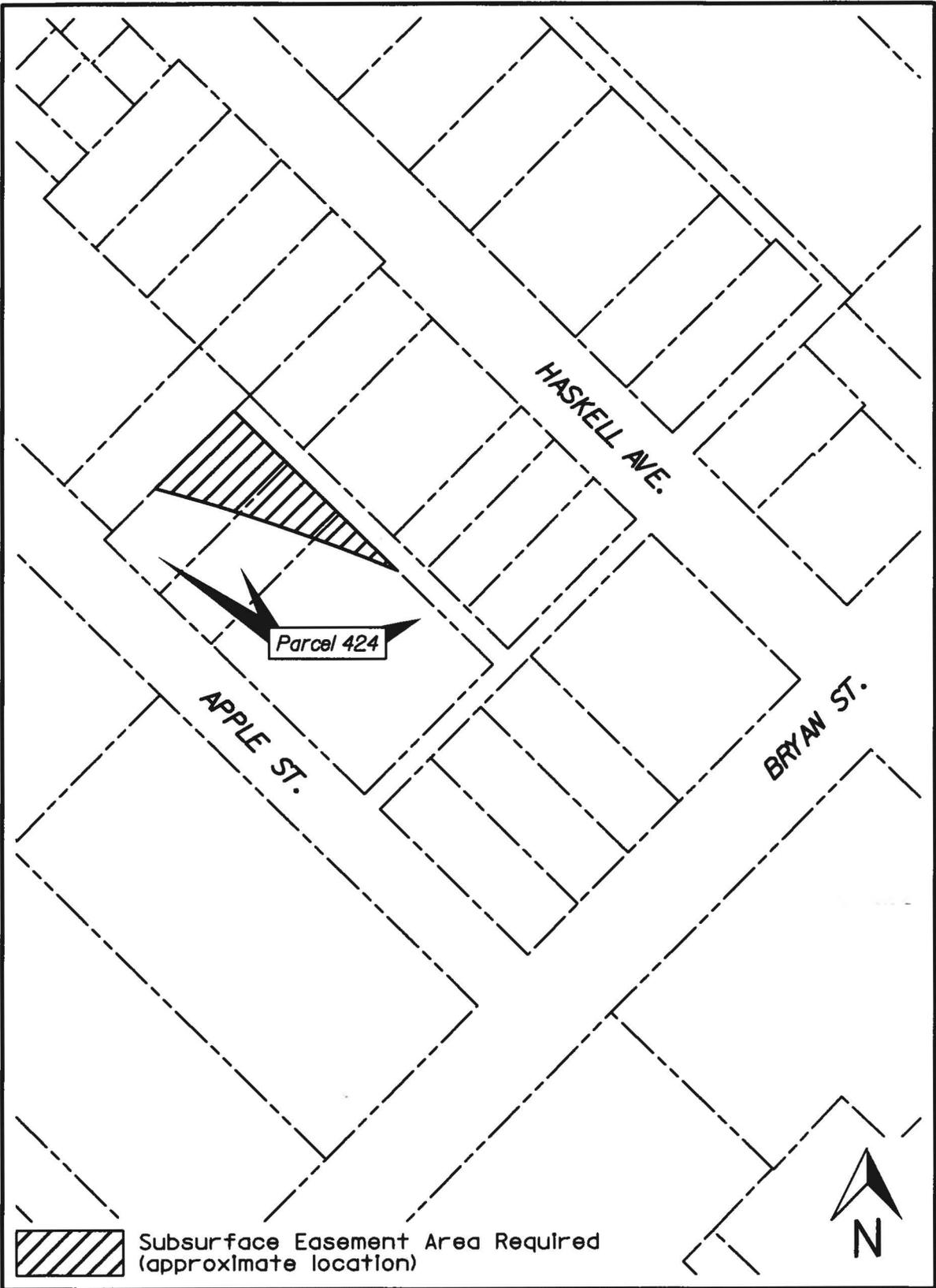
**OWNER**

Southwestern Bell Telephone Company

**MAPS**

Attached





Subsurface Easement Area Required  
(approximate location)



April 22, 2015

**A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION AND/OR CONDEMNATION FOR PUBLIC USE.**

**DEFINITIONS:** For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas

"PROPERTY": Located under approximately 5,814 square feet in area, lying between the subsurface elevations of 226 feet and 400 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, the boundary of which property being more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project

"USE": The below ground construction, installation, use, and maintenance of a deep tunnel for storage and transmission of storm drainage.

"PROPERTY INTEREST": Flood Control Tunnel Easement

"OWNER": Southwestern Bell Telephone Company, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"OFFER AMOUNT": \$20,349.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$2,000.00

"AUTHORIZED AMOUNT": \$22,349.00

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**SECTION 1.** That the USE of the PROPERTY for the PROJECT is a public use.

**SECTION 2.** That public necessity requires that the CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

April 22, 2015

**SECTION 3.** That for the purpose of acquiring the PROPERTY INTEREST in the PROPERTY, the Assistant Director of the Department of Sustainable Development and Construction Department, Real Estate Division, or such person as she may designate, is hereby authorized and directed to offer the OFFER AMOUNT as payment for the PROPERTY INTEREST in the PROPERTY.

**SECTION 4.** That in the event the OWNER accepts the OFFER AMOUNT, the Chief Financial Officer is authorized and directed to draw a warrant in favor of the OWNER, the then current owner of record, or the title company closing the transaction described herein in the OFFER AMOUNT payable out of 2006 Bond Funds: Fund No. 1T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. CT-PBW06T525G27, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 1T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. CT-PBW06T525G28. The OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 5.** That the CITY is to have possession of the PROPERTY at closing; and the CITY will pay the CLOSING COSTS AND TITLE EXPENSES. In the event of condemnation, the CITY will pay costs as may be assessed by the Special Commissioners or the court. Further, that expenses determined by the City Attorney to be necessary are authorized for payment. All costs and expenses described in this section shall be paid from the previously described funds.

**SECTION 6.** That if the OWNER refuses to accept the OFFER AMOUNT, the CITY will appropriate the PROPERTY INTEREST in the PROPERTY for the PROJECT under the laws of eminent domain and the provisions of the Charter of the City of Dallas. In such case, the City Attorney is authorized and requested to file the necessary proceeding(s) and take the necessary action for the prompt acquisition of the PROPERTY INTEREST in the PROPERTY by condemnation or in any manner provided by law.

**SECTION 7.** That in the event it is subsequently determined that additional persons other than those named herein have an interest in the PROPERTY, the City Attorney is authorized and directed to join said parties as defendants in said condemnation proceedings or suit(s).

**SECTION 8.** That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

**SECTION 9.** That OWNER has been provided with a copy of the Landowner's Bill of Rights as required by Texas Property Code Section 21.0112.

April 22, 2015

**SECTION 10.** That in the event the City Attorney files a condemnation proceeding because the OWNER refused to accept the OFFER AMOUNT; and in the event the special commissioners appointed by the Court return an award that is the same amount or less than the OFFER AMOUNT, the City Attorney is hereby authorized to deposit the award in the registry of the Court and to settle the condemnation proceeding, or if the condemnation proceeding becomes a lawsuit, the lawsuit, for an amount not to exceed the OFFER AMOUNT; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the OFFER AMOUNT made payable to the County Clerk of Dallas County, to be deposited into the registry of the Court, to enable the CITY to take possession of the PROPERTY without further action of the Dallas City Council; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed \$2,000.00 for CLOSING COSTS AND TITLE EXPENSES in favor of the title company closing the transaction described herein. The Award, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 11.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**APPROVED AS TO FORM:**  
**WARREN M. S. ERNST, City Attorney**

BY   
**Assistant City Attorney**

**FIELD NOTES DESCRIBING A 0.1335-ACRE (5,814-SQUARE-FOOT)  
SUB-SURFACE DRAINAGE TUNNEL EASEMENT  
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 424)  
PART OF LOTS 9, 11, 13, AND 15, CITY BLOCK 2/645, CONVENT ADDITION  
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS  
FROM SOUTHWESTERN BELL TELEPHONE COMPANY**

Exhibit A

**BEING** a 0.1335-acre (5,814-square-foot) tract of land situated in the City of Dallas and the John Grigsby Survey, Abstract Number 495, Dallas County, Texas, and being part of Lots 9, 11, 13, and 15, Block 2 (Official City of Dallas Block Number 2/645) of the Convent Addition, an addition to the City of Dallas recorded in Volume 93, Page 628 of the Map Records of Dallas County, Texas, and being part of those certain tracts of land conveyed to Southwestern Bell Telephone Company as evidenced by Warranty Deeds recorded in Volume 76163, Page 2379, Volume 79052, Page 2685, and Volume 80086, Page 1951 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

(NOTE: Subsurface easement corners are not monumented.)

**COMMENCING** at a 4-inch brass disk found inscribed "S.W.B. TEL. CO. PROPERTY CORNER" found at the intersection of the northwest line of Bryan Street, a variable width right-of-way, and the northeast line of Apple Street, a variable width right-of-way for the south corner of Lot 1 of City Block 2/645, and south corner of Block 2 of Convent Addition;

**THENCE** North 45 degrees 15 minutes 34 seconds West along the northeast line of Apple Street and the southwest line of City Block 2/645 a distance of 414.40 feet to a 4-inch brass disk inscribed "S.W.B. TEL. CO. PROPERTY CORNER" found for the west corner of Lot 15 of City Block 2/645 and west corner of Block 2 of said Convent Addition;

**THENCE** North 45 degrees 18 minutes 14 seconds East along the northwest line of said Lot 15, northwest line of City Block 2/645, and northwest line of said Convent Addition, passing at a distance of 8.16 feet the south corner of Official City of Dallas Block 5/642 and the south corner of Lot 39 of Knox Addition, an addition to the City of Dallas recorded in Volume 277, Page 361 of the Deed Records of Dallas County, Texas, continuing along the southeast line of Lot 39, the southeast line of Knox Addition, the northwest line of Convent Addition, and the northwest line of Lot 15, in all a distance of 50.54 feet to the **POINT OF BEGINNING**, having coordinates of N=6977552.4803, E=2496157.9655 (not monumented);

**THENCE** North 45 degrees 18 minutes 14 seconds East continuing along the common the northwest line of Lot 15, northwest line of Convent Addition, southeast line of Lot 39, southeast line of City Block 5/642, and northwest line of City Block 2/645 a distance of 77.32 feet to the north corner of Lot 15 and the west corner of a 15-foot wide alley, having coordinates of N=6977606.8543, E=2496212.9192 (not monumented), from which a found 4-inch brass disk inscribed "S.W.B. TEL. CO. PROPERTY CORNER" bears North 73 degrees 06 minutes 09 seconds West a distance of 1.58 feet;

**THENCE** South 45 degrees 15 minutes 34 seconds East departing the common northwest line of City Block 2/645, northwest line of Convent Addition, southeast line of Knox Addition, and southeast line of City Block 5/642 along the southwest line of said 15-foot alley, the northeast lines of Lots 15, 13, 11, and 9 a distance of 159.34 feet to the beginning of a non-tangent curve to the left, having coordinates of N=6977494.7102, E=2496326.0833;

**FIELD NOTES DESCRIBING A 0.1335-ACRE (5,814-SQUARE-FOOT)  
SUB-SURFACE DRAINAGE TUNNEL EASEMENT  
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 424)  
PART OF LOTS 9, 11, 13, AND 15, CITY BLOCK 2/645, CONVENT ADDITION  
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS  
FROM SOUTHWESTERN BELL TELEPHONE COMPANY**

Exhibit A

**THENCE** departing the common southwest line of said 15-foot alley and the northeast line of Lot 9, over and across Lots 9, 11, 13, and 15 along said curve to the left having a central angle of 07 degrees 31 minutes 24 seconds, a radius of 1355.00 feet, an arc length of 177.92 feet, and a chord bearing North 71 degrees 02 minutes 09 seconds West a distance of 177.79 feet to the **POINT OF BEGINNING**;

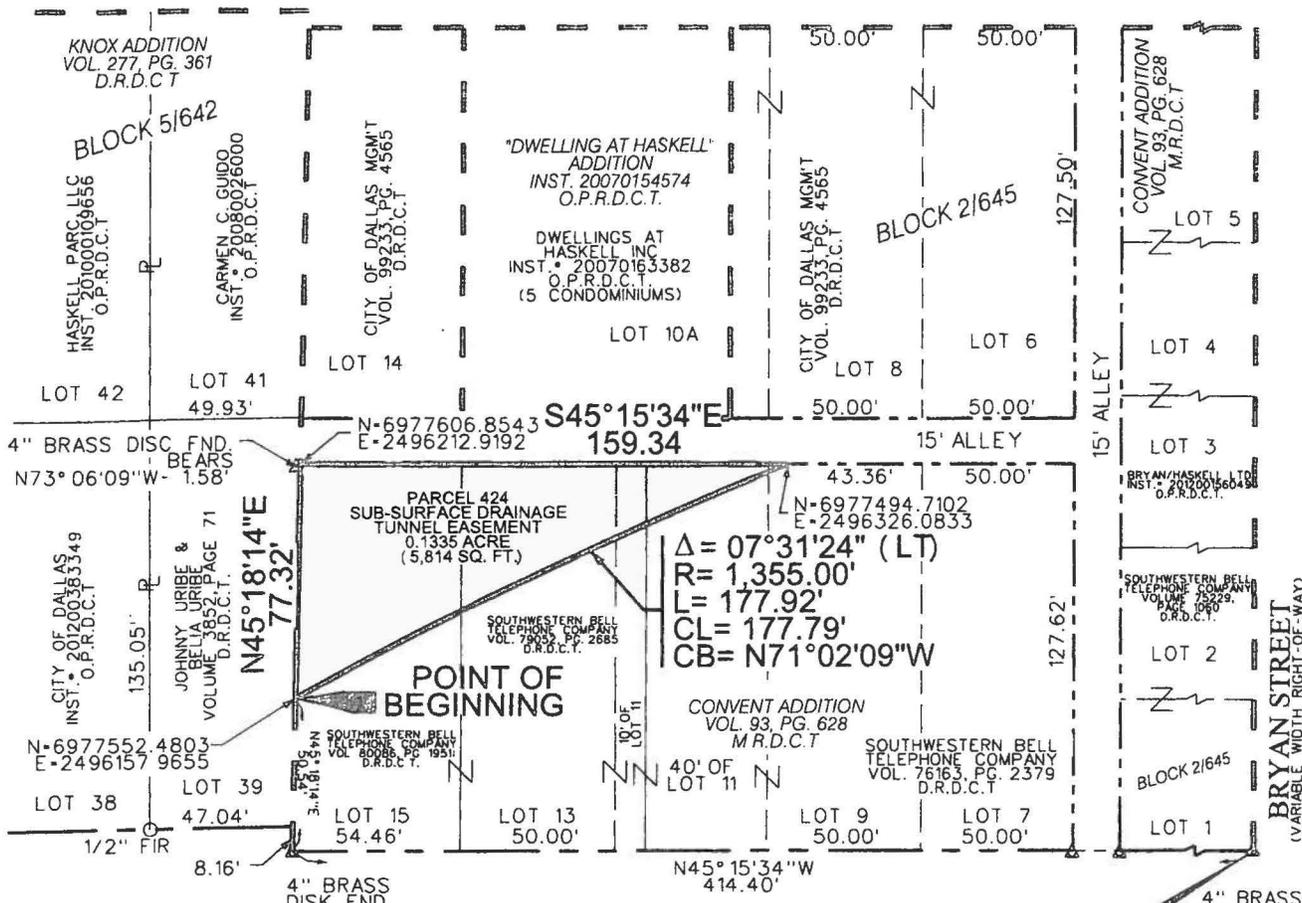
**CONTAINING** within the metes recited 0.1335 acre (5,814 square feet) of land, more or less.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

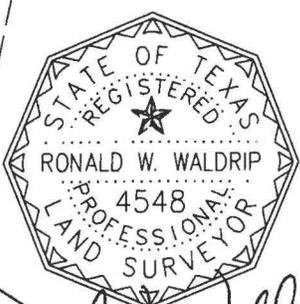


*R. W. Waldorf 10/15/13*

N. HASKELL AVENUE  
(VARIABLE WIDTH RIGHT-OF-WAY)

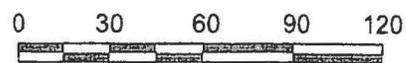


APPLE STREET  
(VARIABLE WIDTH RIGHT-OF-WAY)



*Ronald W. Waldrup*  
10/15/13

JOHN GRIGSBY SURVEY  
ABSTRACT NO. 495



SCALE: 1"=60'  
Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

- LEGEND**
- ROW LINE
  - - - PROPERTY LINE
  - LOT LINE
  - - - SUBDIVISION LINE
  - - - PROP. EASEMENT LINE
  - IRON ROD
  - - - X-CUT
  - MONUMENT
  - △ MONUMENT

- (C.M.) CONTROLLING MONUMENT
- FIR FOUND IRON ROD
- FIP FOUND IRON PIPE
- D.R.D.C.T DEED RECORDS DALLAS COUNTY TEXAS
- O.P.R.D.C.T OFFICIAL PUBLIC RECORDS DALLAS COUNTY TEXAS

SUB-SURFACE DRAINAGE TUNNEL EASEMENT  
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 424)  
PART OF LOTS 9, 11, 13, AND 15,  
CITY BLOCK 2/645, CONVENT ADDITION,  
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

**ARS Engineers, Inc.**  
12801 N. Central Expressway, Suite 1250  
Dallas, Texas 75243  
(214) 739-3152 Fax (214) 739-3169

NOTE: SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** April 22, 2015  
**COUNCIL DISTRICT(S):** 1  
**DEPARTMENT:** Office of Economic Development  
**CMO:** Ryan S. Evans, 671-9837  
**MAPSCO:** 54 C G

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**SUBJECT**

Authorize additional amendments to the second Chapter 380 grant agreement (“Grant II”) with Bishop Arts LLC, previously approved on December 10, 2014, by Resolution Nos. 14-2180 and 14-2181 and amended on February 25, 2015, by Resolution No. 15-0411, to: **(1)** reduce the City’s second lien position on its deed of trust securing the Mixed Income Housing Guidelines to a more junior lien position behind all construction loans for the project; **(2)** clarify that the City’s lien will be recorded concurrently with the Grant II disbursement and after \$30 million in construction costs have been spent; **(3)** require the developer to record deed restrictions securing the Mixed Income Housing Guidelines if, after the Grant II funds have been disbursed, the City finds that the City’s lien position is further subordinated to mechanics and materialmen liens or any liens other than liens for construction loans and developer, after a 30-day notice and opportunity to cure period, has not cured such liens; and **(4)** provide for meaningful and effective enforcement action in the Grant II Agreement - Financing: No cost consideration to the City

**BACKGROUND**

This item was placed on the addendum because during negotiations of the Grant II agreement, it came to light that the collateral language approved by Council needed further clarification. At that time the deadline had passed to place the item on the April 22, 2015 regular agenda and Council consent is required to execute the agreement and move forward with the project.

On December 10, 2014, the City Council authorized a TIF development agreement dedicating up to \$5,000,000 in future TIF revenues and a second Chapter 380 grant agreement (“Grant II”) up to \$2,000,000 in support of the Bishop Arts Phase I Project (“Project”). In the course of working to execute the agreements, the developer has requested further accommodations to the Grant II agreement that affect the City’s lien position as well as the City’s ability to enforce its lien or to secure performance of the Mixed Income Housing requirements.

## **BACKGROUND** (Continued)

As part of the first amendments to Grant II, Bishop Arts LLC agreed to comply with the City's Mixed-Income Housing Requirements and, in lieu of deed restrictions, the developer offered the City a second lien securing performance, subordinated only to the construction loan on the project site.

During the affordability period Bishop Arts LLC would be required to record deed restrictions approved as to form by the City Attorney at least five days before the property is sold to another entity or before a construction loan is refinanced. If the deed restriction is recorded during the affordability period, the city's lien will be released.

This item further subordinates the City's lien position to all construction loans and provides that the City will record its lien concurrently with Grant II disbursement and after construction costs of \$30 million have been expended. Accordingly, the City's lien position could be further subordinated to mechanics and materialmen liens and other liens that are not paid by the developer during construction. This item therefore requires the developer to (1) pay off such liens, after a 30-day notice and opportunity to cure period; or (2) if such liens are not paid off, record deed restrictions to secure compliance with the Mixed Income Housing Guidelines. Grant II funds will not be disbursed until City has verified its lien position. If additional liens arise after the City has disbursed the Grant II funds and developer fails, after a 30-day notice and opportunity to cure period, to cure those liens, developer must record deed restrictions to secure compliance with the Mixed Income Housing Guidelines during the remaining affordability period.

The TIF development agreement is unaffected by this change. The TIF development agreement and the Grant II agreement are not cross-defaulted, and the Grant II funds are not subject to recapture.

Under Resolution No. 10-3039 approved on December 8, 2010, the city paid a \$2 million Chapter 380 economic development grant ("Grant I") to Bishop Arts Village LLC for property assembly related to this first phase of development in the Bishop Arts area. The City holds a first lien secured by a deed of trust on collateral property owned by the developer but this first lien will be released once the Grant II agreement is executed and construction begins.

The proposed project includes approximately 218 rental residential units; 20,000 square feet of retail, restaurant and/or other commercial space; related parking; and sidewalk and landscape improvements directly adjacent to the project. As this is the first project in the Bishop/Jefferson Sub-district as part of the recent expansion of the Oak Cliff Gateway TIF District, it is hoped that this project will catalyze new development in this portion of Oak Cliff.

## **ESTIMATED PROJECT SCHEDULE**

Start Date                    June 2015  
Completion Date            December 2017

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On November 11, 1992, City Council authorized the establishment of the Oak Cliff Gateway TIF District by Ordinance No. 21466, as amended.

On February 12, 1997, City Council authorized the Final Project Plan and Reinvestment Zone Financing Plan for the Oak Cliff Gateway TIF District by Ordinance No. 23033, as amended.

On November 9, 2009, City Council authorized the establishment of the City of Dallas Oak Cliff Gateway Grant Program by Ordinance 27743, as amended.

On December 8, 2010, City Council authorized a Chapter 380 Grant Agreement to provide \$2,000,000 in grant funds to Bishop Arts Village LLC to assemble property for development of a mixed-use pedestrian-oriented urban project in North Oak Cliff by Resolution No. 10-3039.

On October 23, 2014, the Oak Cliff Gateway TIF District Board of Directors voted to recommend City Council authorize a development agreement with Bishop Arts Village LLC and dedicate an amount not to exceed \$5,000,000 for TIF eligible costs.

On December 10, 2014, City Council authorized a TIF development agreement dedicating up to \$5,000,000 in future TIF revenues and a second Chapter 380 grant agreement up to \$2,000,000 in support of the Bishop Arts Project Phase I by Resolution Nos. 14-2180 and 14-2181.

On February 17, 2015, a memo was presented to the Economic Development Committee regarding proposed amendments to the agreements for the Bishop Arts Phase I project.

On February 25, 2015, City Council authorized amendments to the TIF development agreement and the second Chapter 380 grant agreement (1) remove the cross defaults; (2) reduce the requirements for and accelerate the payment of Grant II; (3) accept a second lien on the project site; (4) allow for the extension of project deadlines up to one year; and (5) change the entity name from Bishop Arts Village LLC to Bishop Arts LLC by Resolution 15-0411.

On April 20, 2015, a memo was presented to the Economic Development Committee regarding proposed amendments to the grant agreement for the Bishop Arts Phase I project.

**FISCAL INFORMATION**

No cost consideration to the City

**OWNER**

**Bishop Arts LLC**  
**A Texas limited liability corporation**

Farrokh Nazerian, President  
Michael Nazerian, Chief Operating Officer

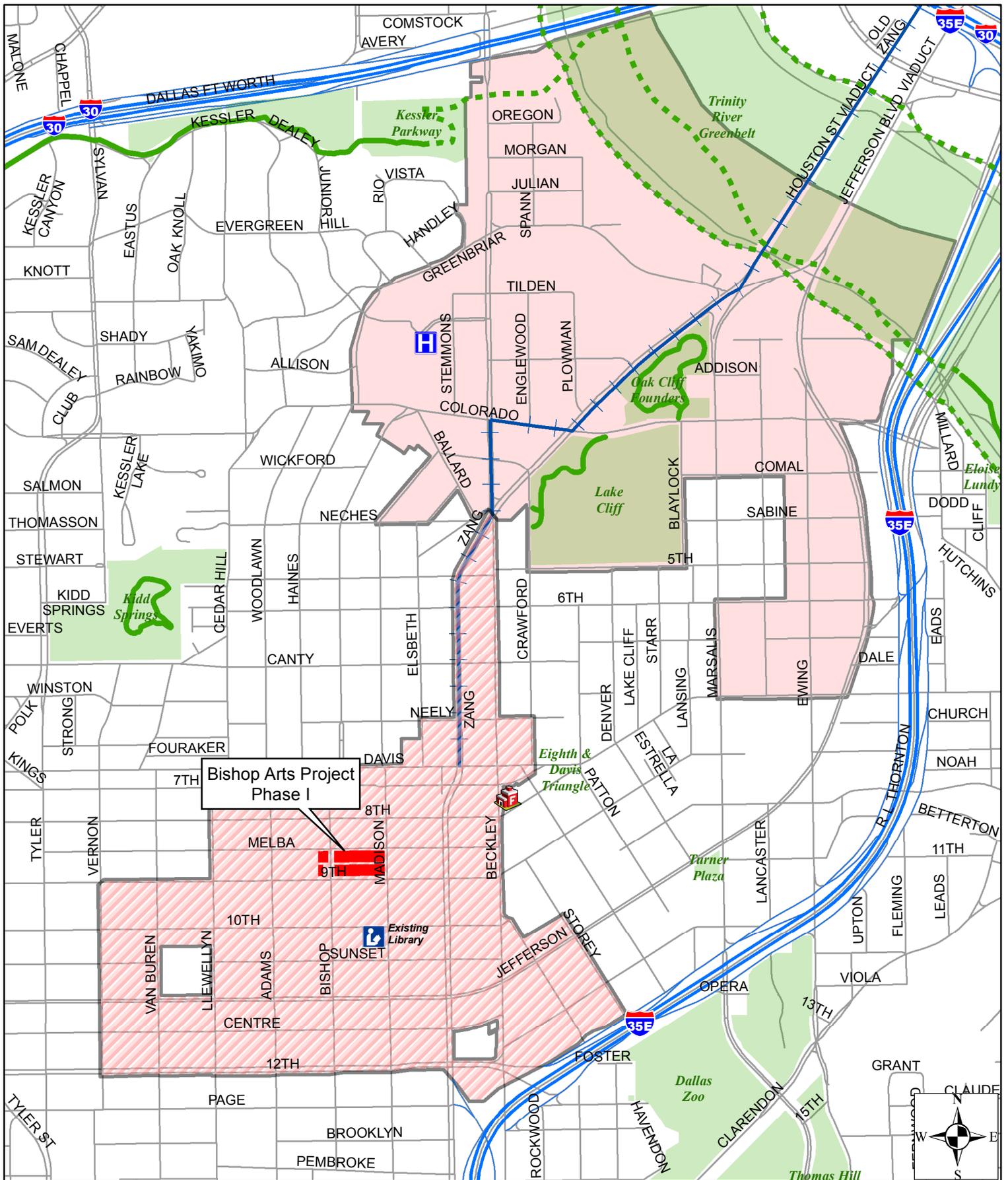
**DEVELOPER**

**Bishop Arts LLC**  
**A Texas limited liability Corporation**

Farrokh Nazerian, President  
Michael Nazerian, Chief Operating Officer

**MAP**

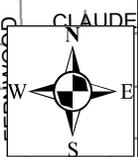
Attached.



**Bishop Arts Project Ph I**  
**Oak Cliff Gateway**  
 April 22, 2015

0 0.1 0.2 0.4  
 Miles

-  Police Stations
-  Fire Stations
-  Parks
-  Oak Cliff Trolley
-  Existing Trails
-  Future Trails
-  Oak Cliff Gateway Sub-district
-  Bishop/Jefferson Sub-district





April 22, 2015

**WHEREAS**, the City recognizes the importance of its role in local economic development; and

**WHEREAS**, on November 11, 1992, City Council authorized the creation of Tax Increment Reinvestment Zone Number Three, (the "Oak Cliff Gateway TIF District", or "District") in accordance with the Tax Increment Financing Act, as amended, V.T.C.A. Texas Tax Code, Chapter 311 to promote development and redevelopment in the north Oak Cliff area through the use of tax increment financing by Ordinance No. 21466, as amended; and

**WHEREAS**, on February 12, 1997, City Council authorized the Oak Cliff Gateway TIF District Final Project Plan and Reinvestment Zone Financing Plan ("Project Plan") by Ordinance No. 23033, as amended; and

**WHEREAS**, on November 9, 2009, City Council authorized the establishment of the City of Dallas Oak Cliff Gateway Grant Program by Ordinance 27743, as amended; and

**WHEREAS**, on June 25, 2014, City Council adopted its Public/Private Partnership Guidelines and criteria by Resolution No. 14-0993, wherein the City elected to continue its participation in tax abatements and other incentive programs including programs for loans and grants for economic development and established Guidelines and Criteria for the Public Private Partnership Program governing those economic development programs and incentive agreements to be entered into by the City as required by the Property Redevelopment and Tax Abatement Act, as amended, V.T.C.A. Tax Code, Chapter 312 ("Act"); and

**WHEREAS**, on October 23, 2014, the Oak Cliff Gateway TIF District Board of Directors reviewed the proposed Bishop Arts Project Phase I and recommended City Council authorize a development agreement with Bishop Arts Village LLC, now known as Bishop Arts LLC ("Owner"), and dedicate an amount not to exceed \$5,000,000 in future TIF revenues from the Oak Cliff Gateway TIF District for certain TIF eligible public improvements; and

**WHEREAS**, on December 10, 2014, City Council authorized a TIF development agreement dedicating up to \$5,000,000 in future TIF revenues and a second Chapter 380 grant agreement up to \$2,000,000 in support of the Bishop Arts Project Phase I by Resolution Nos. 14-2180 and 14-2181; and

**WHEREAS**, on February 25, 2015, City Council authorized amendments to: the TIF development agreement and the second Chapter 380 grant agreement (1) remove the cross defaults; (2) reduce the requirements for and accelerate the payment of Grant II; (3) accept a second lien on the project site; (4) allow for the extension of project deadlines up to one year; and (5) change the entity name from Bishop Arts Village LLC to Bishop Arts LLC by Resolution 15-0411; and

April 22, 2015

**WHEREAS**, certain clarifications related to the requirements for the Grant II agreement are proposed.

**NOW, THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**Section 1.** That the City Manager upon approval as to form by the City Attorney is hereby authorized to execute the second Chapter 380 grant agreement (“the Grant II”) with Bishop Arts LLC approved on December 10, 2014, by Resolution Nos. 14-2180 and 14-2181, as amended on February 25, 2015, by Resolution No. 05-0411 and is further amended here to: (1) reduce the City’s second lien position on its deed of trust securing the Mixed Income Housing Guidelines to a more junior lien position behind all construction loans for the project; (2) clarify that the City’s lien will be recorded concurrently with the Grant II disbursement and after \$30 million in construction costs have been spent; and (3) require the developer to record deed restrictions securing the Mixed Income Housing Guidelines, if after the Grant II funds have been disbursed, the City finds that the City’s lien position is further subordinated to mechanics and materialmen liens or any liens other than liens for construction loans and developer, after a 30-day notice and opportunity to cure period, has not cured such liens.

**Section 2.** That the facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.

**Section 3.** That Section 1 of Resolution No. 15-0411 is amended as follows:

Section 1. That the City Manager upon approval as to form by the City Attorney is hereby authorized to execute the TIF development agreement and the second Chapter 380 grant agreement (“the Grant II”) with Bishop Arts LLC approved on December 10, 2014, by Resolution Nos. 14-2180 and 14-2181, as amended by this resolution to (1) remove the cross defaults between the agreements; (2) reduce the requirements for and accelerate the payment of Grant II; (3) accept a ~~second~~ junior lien position on the project site behind all construction loans for the Bishop Arts Project Phase I to secure Grantee’s performance regarding the Mixed Income Housing Guidelines throughout the affordability period; (4) allow for the extension of project deadlines up to one year as needed to accommodate city-initiated utility and street construction immediately adjacent to the Bishop Arts Phase I site; and (5) change the entity name from Bishop Arts Village LLC to Bishop Arts LLC.

April 22, 2015

**Section 3** (Continued)

That Section 2 of Resolution No. 14-2181 is further amended as follows:

Section 2. That Grant II with Bishop Arts Project Phase I, in an amount not to exceed \$2,000,000, will be payable upon completion of all of the following:

- (1) Evidence that a minimum of \$30 million in private investment has been made in the Phase I project including land and building acquisition, site preparation, construction hard costs, and soft costs related to construction and submission of all required documentation;
- (2) Subject to City's verification of its lien position, recordation of a second junior lien on the project site at the time of payment of the Grant II funds and after construction costs of \$30 million have been spent, subject only to all of the construction loans for the project, to secure compliance with the Mixed Income Housing Guidelines adopted for the Oak Cliff Gateway TIF District throughout the 15-year affordability period, such affordability period to start beginning upon receipt of a final certificate of occupancy for the residential portion of the Project and continuing for a period of fifteen (15) years thereafter ("Affordability Period"). Such deed of trust to secure performance shall also require the Grantee, during the Affordability Period, to record deed restrictions approved as to form by the City Attorney (a) at least five days before the property may be sold to another entity; or (b) before any construction loan can be refinanced; or (c) if the City finds that the City's lien position is subordinated to mechanics and materialmen liens or any liens other than liens for construction loans and developer has not paid such liens, after a 30-day notice and opportunity to cure period. If the deed restriction is recorded during the affordability period, the city's lien will be released. Otherwise, the lien shall remain in place during the entire 15-year affordability period; and
- (3) Compliance with the City's affirmative fair housing marketing requirements until (1) and (2) are fulfilled.  
If, after the City has disbursed the Grant II funds, the City finds that the City's lien position is subordinated to mechanics and materialmen liens or any liens other than liens for construction loans, and developer has not paid such liens, after a 30-day notice and opportunity to cure period, then developer shall record deed restrictions securing developer's compliance with the Mixed Income Housing Guidelines for the remaining affordability period.

April 22, 2015

**Section 4.** That the Grant II Agreement shall specifically provide that the City has the right to prosecute or take appropriate action, at law or in equity, including specific performance against Grantee to enforce any covenant or agreement contained in the Grant II Agreement and that if the City prevails in a legal proceeding to enforce the Agreement against Grantee, the City is further entitled to recover costs including reasonable attorney's fees and court costs from Grantee.

**Section 5.** That with the exception of the sections above, all other requirements of Resolution Nos. 14-2180, 14-2181, as amended by Resolution No. 15-0411, will remain in full force and effect.

**Section 6.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**KEY FOCUS AREA:** Clean, Healthy Environment  
**AGENDA DATE:** April 22, 2015  
**COUNCIL DISTRICT(S):** All  
**DEPARTMENT:** Housing/Community Services  
**CMO:** A. C. Gonzalez, 670-3297  
**MAPSCO:** N/A

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**SUBJECT**

Authorize **(1)** preliminary adoption of Substantial Amendment No. 2 to the FY 2014-15 Action Plan to **(a)** establish a Reconstruction activity and reallocate \$1,020,000 from the Housing Development Loan Program activity to the Reconstruction Program; and **(b)** reallocate \$1,642,626 from the Residential Development Loan Program to the Major Systems Repair Program; and **(2)** a public hearing to be held on May 27, 2015, to receive comments on the proposed use of funds - Financing: No cost consideration to the City

**BACKGROUND**

This item is on the addendum because it adopts Amendment Number 2 to the FY 2014-15 Action Plan and calls for a public hearing on May 27, 2015. This resolution will transfer federal housing funds from programs that are not moving forward in time to meet federal commitment and expenditure deadlines to programs that are expending funds at a faster pace.

On June 25, 2014, City Council adopted the final FY 2014-15 Consolidated Plan Budget by Resolution No. 14-1001, which was amended and reconsidered on August 13, 2014, by Resolution No. 14-1314.

Following the 30-day citizen comment period and public hearing, final adoption by the City Council will be necessary on May 27, 2015.

This request is to reallocate funds as identified below:

Source of Funds:

FY13-14	HOME	Housing Development Loan	\$ 22,922
FY14-15	HOME	Housing Development Loan	\$ 997,078
FY06-07	CDBG	Residential Development Loan	\$ 142,626
FY10-11	CDBG	Residential Development Loan	\$ 478,509
FY11-12	CDBG	Residential Development Loan	<u>\$1,021,491</u>
		TOTAL	\$2,662,626

**BACKGROUND (continued)**

Use of Funds:

FY13-14	HOME	Reconstruction Program	\$ 22,922
FY14-15	HOME	Reconstruction Program	\$ 997,078
FY14-15	CDBG	Major Systems Repair Program	<u>\$1,642,626</u>
		TOTAL	\$2,662,626

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On May 25, 2011, City Council authorized modifications to the Reconstruction Program Statement to: (1) increase the maximum Reconstruction Program Assistance Type One loan amount from up to \$93,400 to up to \$103,000; (2) provide assistance to the extent permitted under appropriate regulations to cover the difference in the amount needed to complete an on-site reconstruction when either the contractor or property owner terminates the existing contract; and (3) clarification of the use of funds and of deleting the one-time payment of taxes in accordance with directions from the U.S. Department of Housing and Urban Development (HUD), by Resolution No. 11-1349.

On June 25, 2014, City Council adopted the final FY 2014-15 Consolidated Plan Budget by Resolution No. 14-1001, which was amended and reconsidered on August 13, 2014, by Resolution No. 14-1314.

On March 2, 2015 the Housing Committee was briefed on the Home Repair and People Helping People Programs, including a specific recommendation to increase the Major Systems Repair Program maximum allowable individual project funding from \$17,500 to \$20,000.

On April 8, 2015, City Council authorized modifications to the Home Repair Program for the MSRP Program Statement to: (1) increase dollar amount of assistance from \$17,500 to \$20,000; and (2) decrease Assistance Type Two from \$7,500 to \$5,000, by Resolution No. 15-0657.

**FISCAL INFORMATION**

No cost consideration to the City

April 22, 2015

**WHEREAS**, on May 25, 2011, City Council authorized modifications to the Reconstruction/SHARE Program Statement to: (1) increase the maximum Reconstruction Program Assistance Type One loan amount from up to \$93,400 to up to \$103,000; (2) provide assistance to the extent permitted under appropriate regulations to cover the difference in the amount needed to complete an on-site reconstruction when either the contractor or property owner terminates the existing contract; and (3) clarification to the use of funds and deleting the payment of taxes in accordance with directions from the U.S. Department of Housing and Urban Development (HUD) by, Resolution No. 11-1349; and

**WHEREAS**, on June 25, 2014, City Council adopted the final FY 2014-15 Consolidated Plan Budget by Resolution No. 14-1001, which was amended and reconsidered on August 13, 2014, by Resolution No. 14-1314; and

**WHEREAS**, on March 2, 2015, the Housing Committee was briefed on the Home Repair and People Helping People Programs including a specific recommendation to increase the Major Systems Repair Program maximum allowable individual project funding from \$17,500 to \$20,000; and

**WHEREAS**, on April 8, 2015, City Council authorized modifications to the Home Repair Program for the MSRP Program Statement to: (1) increase dollar amount of assistance from \$17,500 to \$20,000; and (2) decrease Assistance Type Two from \$7,500 to \$5,000, by Resolution No. 15-0657; **NOW, THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**SECTION 1.** Authorize (1) preliminary adoption of Substantial Amendment No. 2 to the FY 2014-15 Action Plan to (a) establish a Reconstruction activity and reallocate \$1,020,000 from the Housing Development Loan Program activity to the Reconstruction Program; and (b) reallocate \$1,642,626 from the Residential Development Loan Program to Major Systems Repair Program; and (2) a public hearing to be held on May 27, 2015, to receive comments on the proposed use of funds.

**SECTION 2.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is according so resolved.



**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** April 22, 2015  
**COUNCIL DISTRICT(S):** 3  
**DEPARTMENT:** Housing/Community Services  
**CMO:** A. C. Gonzalez, 670-3297  
**MAPSCO:** 65G

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**SUBJECT**

Authorize **(1)** a conditional grant agreement with NP Community Development Corporation dba Heroes House to pay for a portion of the rehabilitation costs; and **(2)** transfer of the property to NP Community Development Corporation dba Heroes House located at 2120 52<sup>nd</sup> Street - Not to exceed \$450,000 - Financing: 2012 Bond Funds

**BACKGROUND**

This item is on the agenda because briefing to Housing Committee was on April 6, 2015, which did not meet regular agenda timeline.

On January 16, 2015, the City posted a Request for Application (RFA), asking developers to submit proposals to own, rehabilitate, and occupy the 64-unit apartment complex located at 2120 52<sup>nd</sup> Street which is owned by the City of Dallas. Gary Hasty, Chairman of Heroes House, submitted a proposal to the City of Dallas to perform the requested actions and was the best proposer.

On April 6, 2015, the Housing Committee was briefed on all options for the building and all proposals received and voted to recommend the proposal from NP Community Development Corporation. The proposal includes the transfer of the property to Heroes House at no cost, pursuant to Section 272.001(g) of the Texas Local Government Code, and a conditional grant of \$450,000 in general obligation bond funds for the remaining construction cost gap. The units will be 1 and 2 bedroom at approximately 760 sq. ft. The developer has obtained private financing with Mid South Bank for the balance of the rehabilitation costs. The \$450,000 conditional grant will be released after obtaining a certificate of occupancy with deed restrictions remaining for 5 years following the completion of rehabilitation and 51% occupancy with households at or below 80% AMFI.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On April 6, 2015, the Housing Committee was briefed on the current status of the property and the results of the Request for Proposals, and recommended the NP Community Development Corporation dba Heroes House proposal for City Council consideration.

**FISCAL INFORMATION**

2012 Bond Funds - \$450,000

**OWNER**

**NP Community Development Corporation dba Heroes House**

Gary Hasty, Founder and Chairman

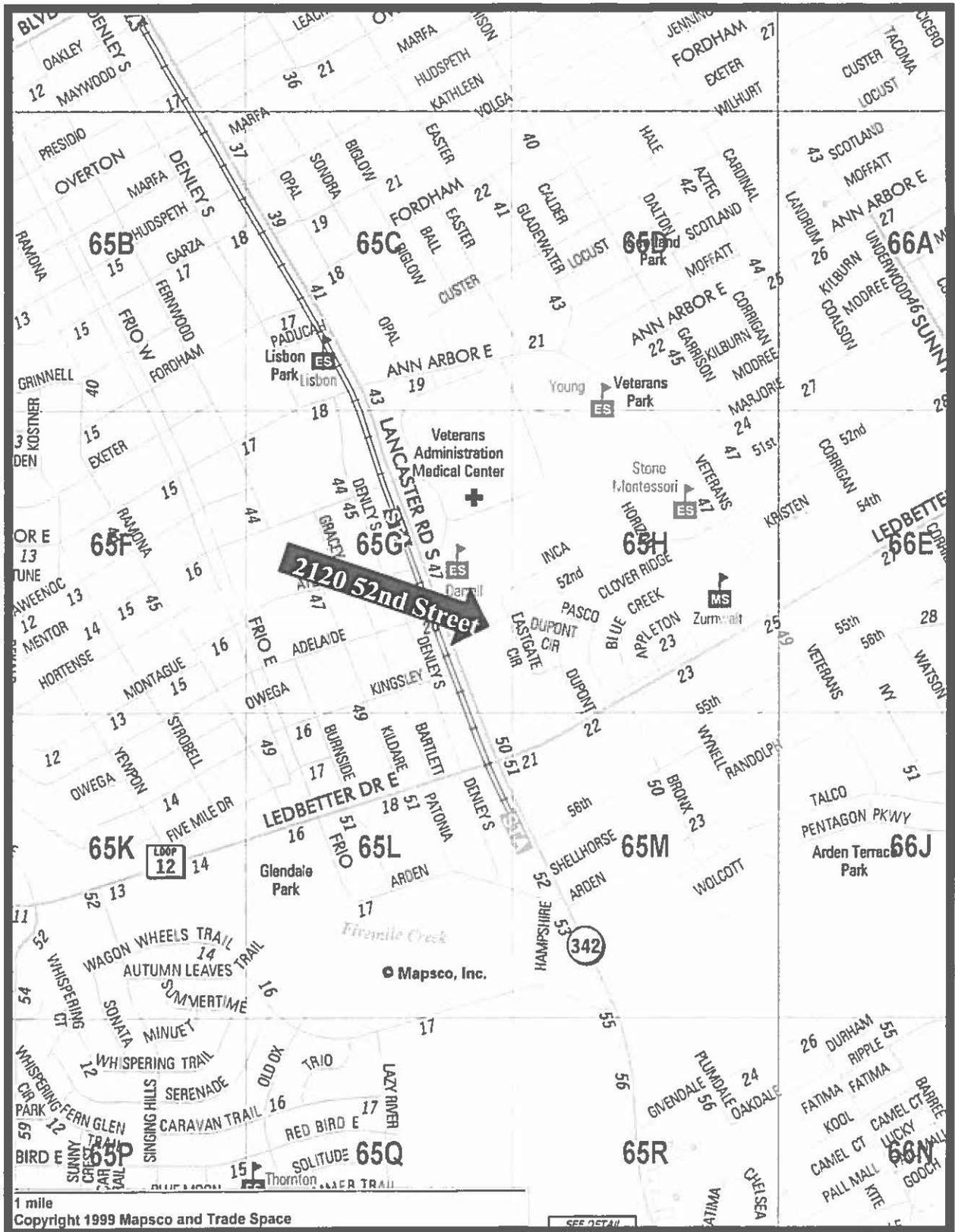
**DEVELOPER**

**NP Community Development Corporation dba Heroes House**

Gary Hasty, Founder and Chairman

**MAP**

Attached



# MAPSCO 65G

April 22, 2015

**WHEREAS**, affordable housing is a high priority of the City of Dallas; and

**WHEREAS**, on April 6, 2015, the Housing Committee was briefed on the current status of the property and the results of the Request for Proposals, and recommended the NP Community Development Corporation dba Heroes House proposal for City Council consideration; and

**WHEREAS**, the City desires for NP Community Development Corporation dba Heroes House to acquire, rehabilitate and occupy the 64 units;

**NOW, THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**Section 1.** That following approval as to form by the City Attorney, the City Manager is authorized to execute **(1)** a conditional grant agreement with NP Community Development Corporation dba Heroes House to pay for a portion of the rehabilitation costs; and **(2)** the transfer of the property to NP Community Development Corporation dba Heroes House located at 2120 52<sup>nd</sup> Street.

**Section 2.** The terms of the conditional grant agreement include:

- (a) NP Community Development Corporation dba Heroes House must transfer the property into their name prior to June 30, 2015.
- (b) NP Community Development Corporation dba Heroes House will execute a performance Deed of Trust and deed restrictions on the property which will carry a 5 year term for the affordable units.
- (c) The lien will be released after acquisition, completion of rehabilitation and 51% occupancy of the units to households at or below 80% AMFI.
- (d) NP Community Development Corporation dba Heroes House will have until June 30, 2016 to fully complete the rehabilitation and occupancy of the units.

**Section 3.** That the Chief Financial Officer is hereby authorized to disburse funds in accordance with this resolution and the terms and conditions of the conditional grant agreement from:

NP Community Development Corporation dba Heroes House Vendor - VS87671

<u>Fund</u>	<u>Dept</u>	<u>Unit</u>	<u>Obj</u>	<u>Program #</u>	<u>Encumbrance</u>	<u>Amount</u>
2U53	HOU	P951	3016	2U53HEHSF	HOUN951G154	\$450,000

**Section 4.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** April 22, 2015  
**COUNCIL DISTRICT(S):** 2, 3, 4, 8, 14  
**DEPARTMENT:** Office of Economic Development  
**CMO:** Ryan S. Evans, 671-9837  
**MAPSCO:** 45 T

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**SUBJECT**

**TOD TIF District**

- \* Authorize a development agreement with CCH Alamo, LP in an amount not to exceed \$1,405,000, payable from future TOD TIF District funds in consideration of the development of the Alamo Drafthouse Cinema project on property generally south of the corner of Cadiz and Lamar Streets in Tax Increment Financing Reinvestment Zone Number Seventeen (TOD TIF District) - Not to exceed \$1,405,000 - Financing: TOD TIF District Funds (subject to appropriations)
- \* Authorize a Chapter 380 economic development grant agreement in an amount not to exceed \$450,000 with CCH Alamo, LP related to the development of the Alamo Drafthouse Cinema project on property generally south of the corner of Cadiz and Lamar Streets pursuant to Chapter 380 of the Texas Local Government Code in accordance with the City's Public/Private Partnership Program - Not to exceed \$450,000 - Financing: 2012 Bond Funds (~~subject to appropriations~~)

**BACKGROUND**

The proposed project includes approximately 38,000 square feet of movie theater and restaurant space and 330 surface parking spaces on parcels currently addressed at 800 Cadiz Street, 1005 South Lamar Street, and 1000 South Austin Street.

CCH Alamo, LP ("CCH" or "Owner") formed by members of Matthews Southwest (MSW) that have undertaken several major projects in the Cedars and downtown Dallas areas. The proposed tenant is Alamo Drafthouse, a recognized operator with existing locations in Austin, Richardson and other Texas cities. The proposed venue would complement the residential and other entertainment venues in the Cedars/South Side areas and is in close proximity to the downtown convention center area. This would be the first TIF project in the Cedars West Sub-District of the TOD TIF District.

**BACKGROUND** (Continued)

The total private investment for this project is estimated at approximately \$16.8 million which includes property acquisition, hard construction and soft costs. The Owner's project scope as it relates to the proposed TIF agreement includes a minimum private investment of \$11 million for acquisition costs, site preparation, and construction hard costs.

On March 6, 2015, the TOD TIF Board recommended that TIF reimburse, if and when funds are available, up to \$1,405,000 from future TOD TIF District revenues and that funds be dedicated or pledged to the proposed development. The requested TIF funding will be from the "Cedars (West) Sub-District" TIF budget category which allows reimbursement for eligible costs including: demolition, environmental remediation; utilities; streetscape improvements; and a portion as an economic development grant, once the project is complete and all contingencies are satisfied.

In addition, a Public/Private Partnership grant in the amount of \$450,000 will be payable upon the issuance of a certificate of occupancy for the Project and completing all requirements required to be performed prior to payment of the TIF subsidy (not including ongoing obligations).

The Owner will fund TIF-eligible improvements up front and will be reimbursed solely from the TOD TIF District Fund, and/or Tax Increment Bonds, not City general funds or other City bond funds, only to the extent TOD TIF District funds are available. Funding of these TIF-eligible project costs will be made from TOD TIF District funds.

**ESTIMATED SCHEDULE OF PROJECT**

Begin Construction	December 2015
Complete Construction	June 2017

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On December 10, 2008, City Council authorized the establishment of Tax Increment Financing Reinvestment Zone Number Seventeen, the TOD TIF District by Ordinance No. 27432, as amended.

On April 14, 2010, City Council authorized the Project Plan and Reinvestment Zone Financing Plan for the TOD TIF District by Ordinance No. 27854, as amended.

On March 6, 2015, the TOD TIF District Board of Directors reviewed and recommended approval of a development agreement with CCH Alamo, LP and TIF funding for the Alamo Draffhouse Cinema project not to exceed \$1,405,000, to reimburse TIF-eligible project costs.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)** (Continued)

On April 6, 2015, a briefing was submitted to the Economic Development Committee to consider a development agreement with CCH Alamo, LP.

**FISCAL INFORMATION**

\$1,405,000 - TOD TIF District Funds  
\$ 450,000 - 2012 Bond Funds

**PROJECT COUNCIL DISTRICT**

2

**OWNER**

**CCH Alamo, LP  
A Texas limited partnership**

Jack Matthews, President

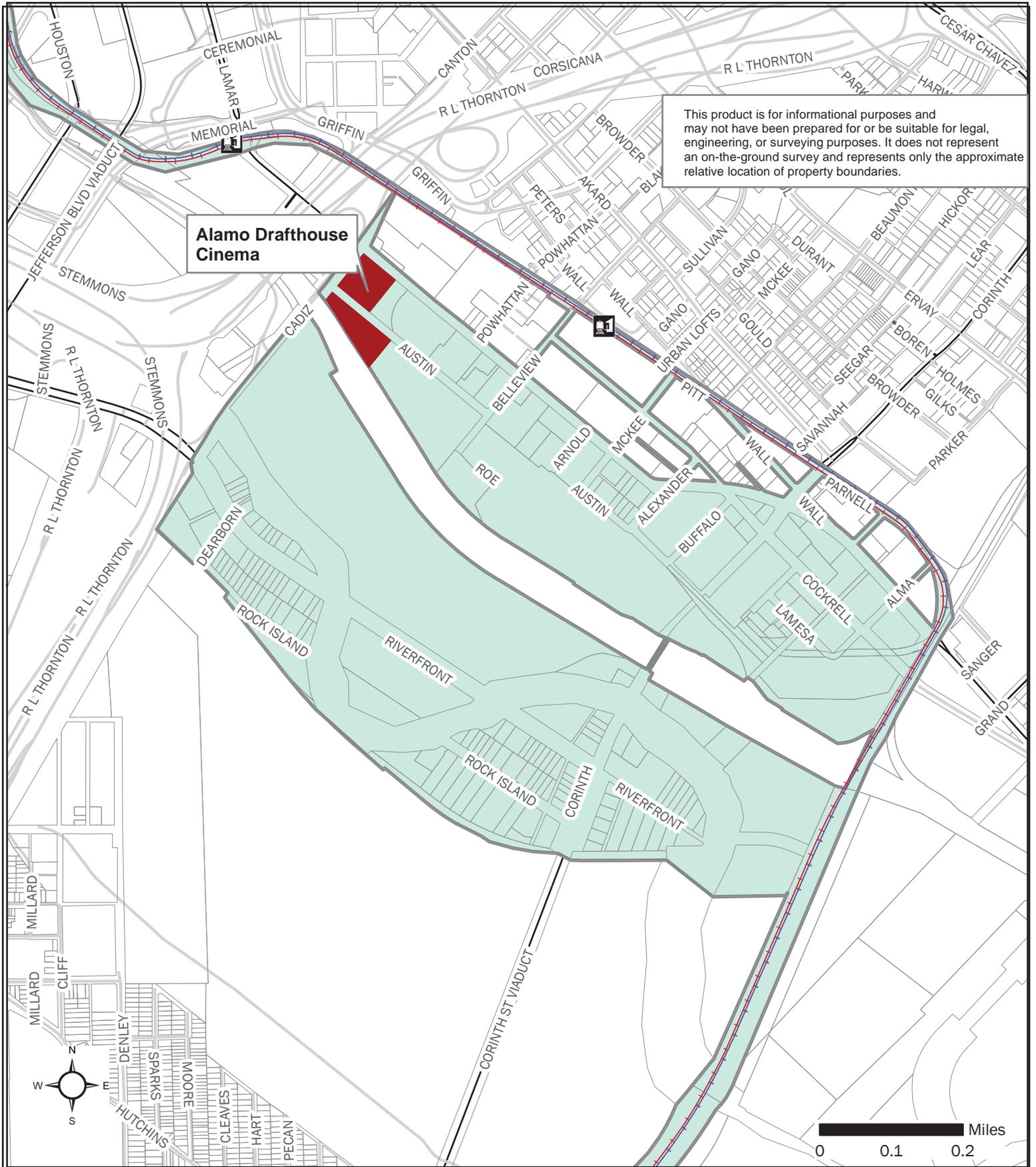
**DEVELOPER**

**CCH Alamo, LP  
A Texas limited partnership**

Jack Matthews, President

**MAP**

Attached.



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

**Alamo Draffhouse Cinema**

## Alamo Draffhouse Cinema Project Location

- Project Site
- TIF Boundary - Cedars W Subdistrict
- DART Red Line
- DART Blue Line
- DART Stations

**City of Dallas**  
 Office of Economic Development  
<http://www.Dallas-EcoDev.org>  
 Created March 2015

April 22, 2015

**WHEREAS**, the City recognizes the importance of its role in local economic development initiatives and programs; and

**WHEREAS**, the City has established Tax Increment Financing Reinvestment Zone Number Seventeen, ("TOD TIF District" or "District") and established a Board of Directors for the District to promote development or redevelopment of Transit-Oriented Development (TOD) sites pursuant to Ordinance No. 27432, as amended, authorized by the City Council on December 10, 2008, as authorized by the Tax Increment Financing Act, Chapter 311 of the Texas Tax Code, as amended; and

**WHEREAS**, on April 14, 2010, the City Council authorized the Final Project Plan and Reinvestment Zone Financing Plan for the TOD TIF District by Ordinance No. 27854; as amended and

**WHEREAS**, on April 14, 2010, the City Council authorized the establishment of the TOD TIF District Grant Program to implement the Project Plan and Reinvestment Zone Financing Plan by Resolution No. 10-0916; and

**WHEREAS**, on March 6, 2015, the TOD TIF District Board of Directors reviewed and recommended approval of a development agreement with CCH Alamo, LP, and TIF funding for the Alamo Drafthouse Cinema project not to exceed \$1,405,000, to reimburse TIF-eligible project costs; and

**WHEREAS**, on April 6, 2015, a briefing was submitted to the Economic Development Committee to consider a development agreement with CCH Alamo, LP; and

**WHEREAS**, in furtherance of the TOD TIF District Project Plan and Reinvestment Zone Financing Plan, the City desires to provide economic incentives to the Owner for the construction of the Alamo Drafthouse Cinema at a site with parcels currently addressed at 800 Cadiz Street, 1005 South Lamar Street, and 1000 South Austin Street in the TOD TIF District as described in the conceptual site plan, preliminary conceptual renderings, and building materials attached hereto as **Exhibits A1-A4**.

**NOW, THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**Section 1.** That the City Manager, upon approval as to form by the City Attorney is hereby authorized to execute a development agreement with CCH Alamo, LP and the City of Dallas for the Alamo Drafthouse Cinema project and that future TOD TIF revenues in an amount not to exceed \$1,405,000 are hereby dedicated to TIF-eligible project costs associated with the project, shown in the TIF Funded Project Budget attached hereto as **Exhibit B**.

April 22, 2015

**Section 1.** (Continued)

This project includes demolition, environmental remediation, infrastructure improvements, façade and an economic development grant as part of the implementation of the TOD TIF District Project Plan and Reinvestment Zone Financing Plan.

**Section 2.** That the facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.

**Section 3.** That subject to appropriations the Chief Financial Officer is hereby authorized to encumber and disburse funds from:

TOD TIF District Fund - Fund 0062, Department ECO, Unit P948, Activity TODD, Object 4510, Program No. TODTIF0003, CT ECOP948F325-01 Vendor No. VS87777, in an amount not to exceed \$496,488;

TOD TIF District Fund - Fund 0062, Department ECO, Unit P948, Activity TODD, Object 3072, Program No. TODTIF0003, CT ECOP948F325-02 Vendor No. VS87777, in an amount not to exceed \$396,000;

TOD TIF District Fund - Fund 0062, Department ECO, Unit P948, Activity TODD, Object 3016, Program No. TODTIF0003, CT ECOP948F325-04 Vendor No. VS87777, in an amount not to exceed \$512,512; and

For a total amount not to exceed \$1,405,000.

**Section 4.** That the Owner shall fund demolition, environmental remediation, infrastructure improvements, and other eligible costs to support the development of Alamo Drafthouse Cinema at a site with parcels currently addressed at 800 Cadiz Street, 1005 South Lamar Street, and 1000 South Austin Street in the TOD TIF District, in an amount not to exceed \$1,405,000 for the costs of TIF-eligible improvements in the TOD TIF District. Owner will be paid solely from the TOD TIF District Funds in accordance with the terms of the development agreement described in hereof, but only to the extent such TOD TIF District funds are available for such purpose.

**Section 5.** That nothing in the resolution shall be construed to require the City to approve payment from any source of City funds other than the TOD TIF District Fund and/or Tax Increment Bonds. Any funds expended under the development agreement that remain unpaid upon termination of the TOD TIF District, due to lack or unavailability of TOD TIF District Funds shall no longer be considered project costs of the TOD TIF District or the City and the obligation of the TOD TIF District to pay the Owner shall automatically expire.

April 22, 2015

**Section 6.** That in addition to the conditions set out in the Sections above, the Development Agreement is hereby expressly made subject to all of the following contingencies which must be performed or occur:

- A. Owner shall invest and document a minimum of \$11 million in private improvements in the Project, including all land and building acquisition, site preparation, and construction hard costs.
- B. Development of a minimum of 35,000 square feet of theater, restaurant, or retail space.
- C. Owner will obtain a building permit for the construction of the Project by December 31, 2015.
- D. Owner will provide public access easements, deed restrictions, or another instrument acceptable to the Director of the Office of Economic Development if any street and utility improvements as part of the Project remain privately owned in order to be considered for TIF reimbursement.
- E. Owner will obtain a letter of acceptance or similar documentation issued by the City signifying acceptance of the TIF-eligible street and infrastructure improvements by June 30, 2017.
- F. Owner shall complete construction and pass final building inspection for the building shell of the Project by June 30, 2017.
- G. Owner will execute and fund an Operating and Maintenance Agreement for all non-standard TIF eligible improvements by the earlier of Project completion or June 30, 2017. Compliance with the executed operating and maintenance agreement shall be required of all future owners for the entire period of the Operating and Maintenance Agreement.
- H. In addition to complying with a Business Inclusion and Development (“BID”) goal of 25% for the TIF reimbursable improvements (hard construction costs only), the Owner shall make a good faith effort to achieve a goal of certified minority/women-owned business enterprise (M/WBE) participation for the private improvement construction of 10% of total private expenditures and meet all reporting requirements for each.
- I. Until the Project has passed final building inspection for the building shell and all required paperwork for TIF reimbursement has been submitted, Owner shall submit to the Office of Economic Development a quarterly status report for ongoing work on the Project beginning at the end of the first calendar quarter after the authorization of this agreement.

April 22, 2015

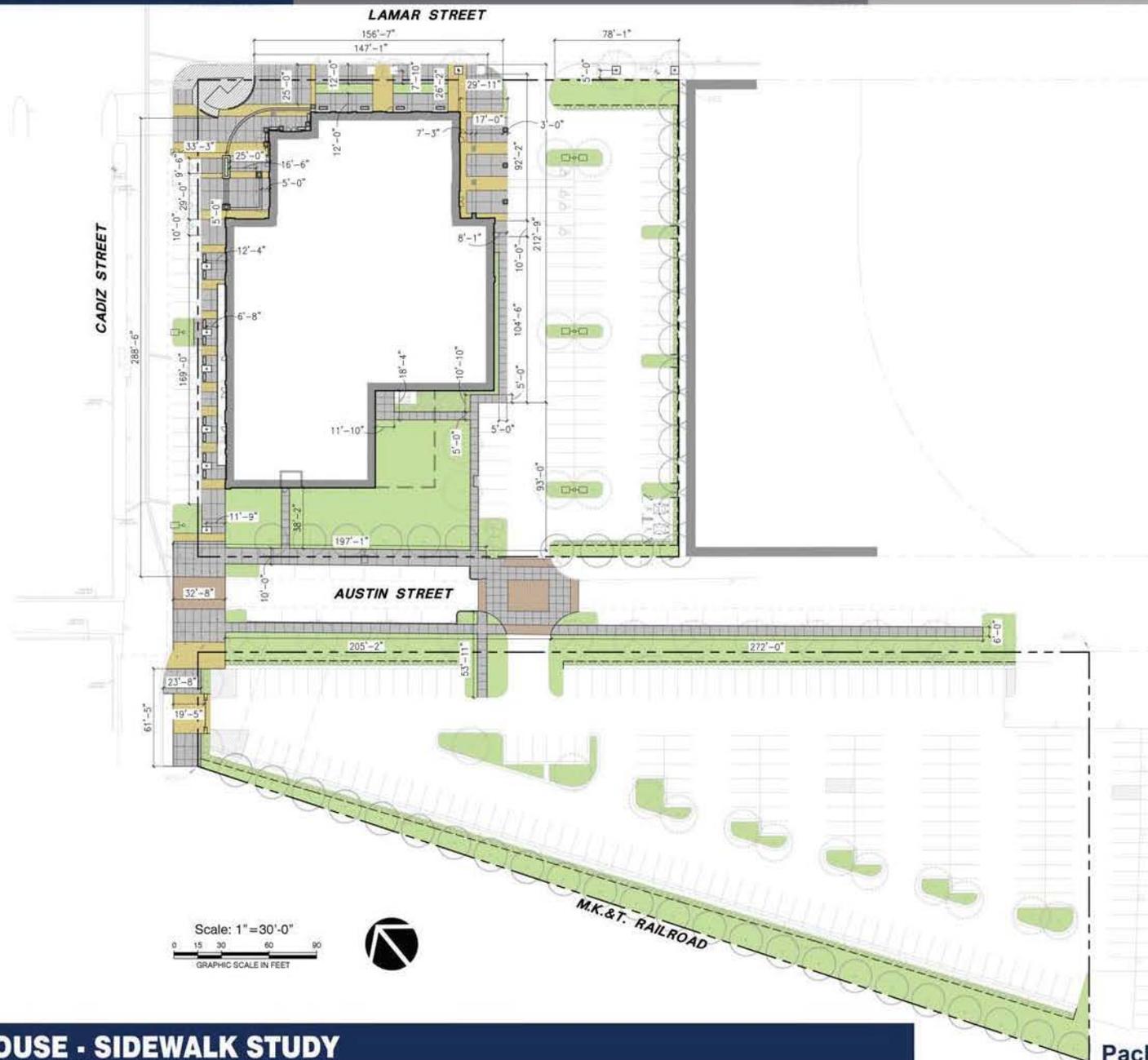
**Section 6.** (Continued)

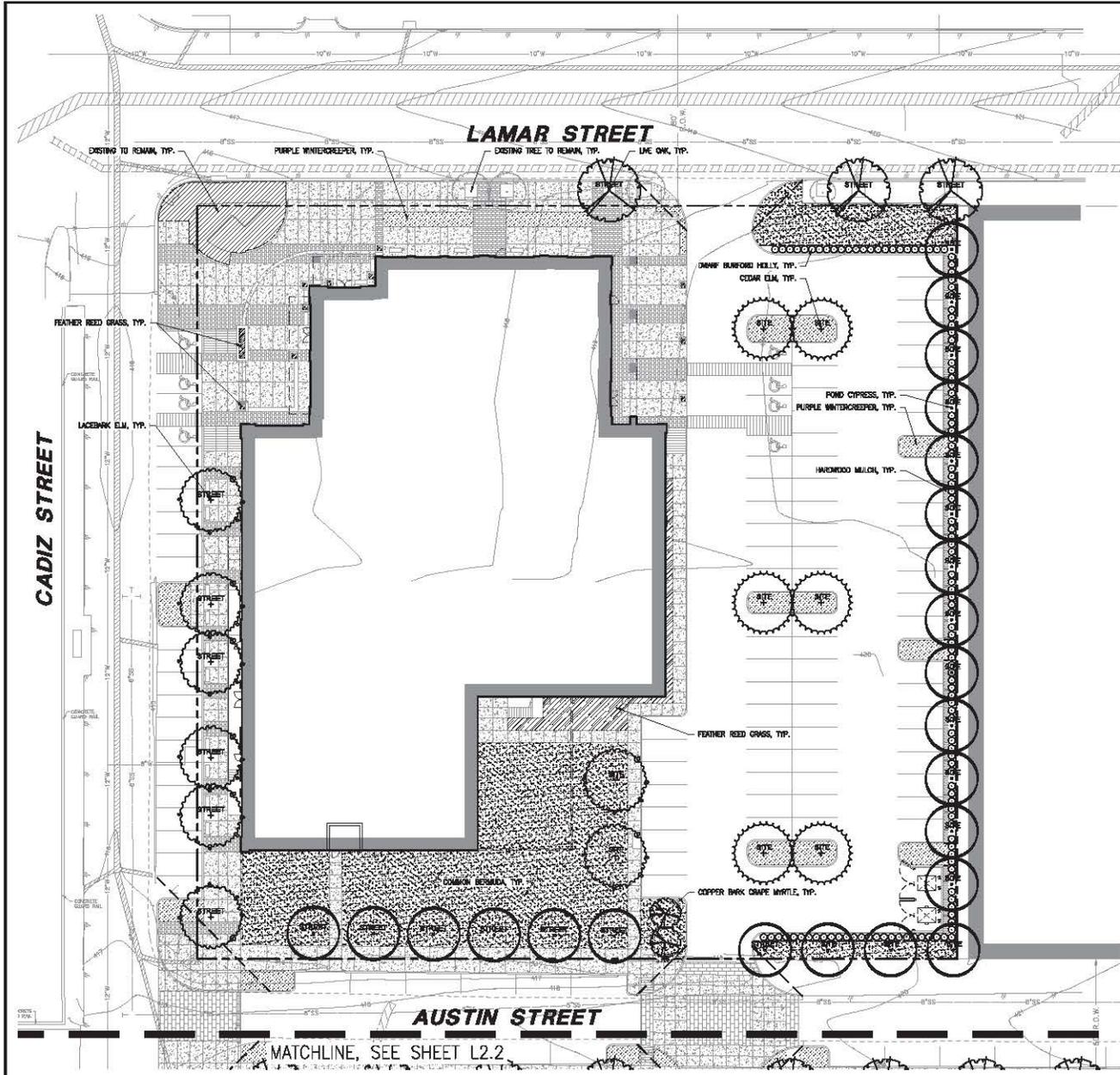
- J. Owner shall construct public and private improvements that conform in design and materials to images and site plans approved by the TOD TIF Board of Directors and the Urban Design Peer Review Panel as shown in **Exhibit A1-A4** - site plan, preliminary conceptual renderings, and building materials unless modifications are approved by the Director.
- K. Owner shall instruct the tenant(s) to provide commercially best efforts to provide evidence that reasonable efforts were made to promote the hiring of neighborhood residents for any new jobs created.

**Section 7.** That upon completion of the project and satisfaction of all project requirements, and subject to the availability of TOD TIF funds, the Project shall be eligible for total TIF reimbursements in an amount not to exceed \$1,405,000 in accordance with the adopted **Exhibit C – TOD TIF District Increment Allocation Policy**.

**Section 8.** That the Director of the Office of Economic Development, after approval and recommendation of the TIF Board, may authorize minor modifications to the project including development mix and/or an extension of the project deadlines up to 6 months.

**Section 9.** That this resolution shall take effect immediately from and after its passage In accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.





**PLANTING GENERAL NOTES**

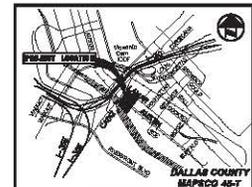
1. ALL PLANTS SHALL BE SET OUT FOR APPROVAL BY THE OWNER'S REPRESENTATIVE PRIOR TO INSTALLATION.
2. FINE GRADING SHALL BE PERFORMED IN ALL AREAS TO BE LANDSCAPED. FINE GRADING SHALL INCLUDE THE REMOVAL OF DEBRIS, ROCKS, ETC. FROM THE SITE AND INSURE POSITIVE DRAINAGE IN ALL AREAS.
3. THE CONTRACTOR SHALL LOCATE ALL UTILITIES AND EASEMENTS IN THE FIELD PRIOR TO COMMENCEMENT OF WORK. CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE TO UTILITIES DURING THE COURSE OF CONSTRUCTION.
4. WRITTEN DIMENSIONS SHALL GOVERN OVER SCALED DIMENSIONS.
5. IT IS PREFERABLE THAT NO TREE BE STAKED. HOWEVER, CONDITIONS AND PLANT MATERIAL SIZE MAY NECESSITATE STAKING. THE OWNER'S REP SHALL DETERMINE IF SUPPORT IS NEEDED AND SHALL DIRECT THE CONTRACTOR ACCORDINGLY.
6. THE CONTRACTOR SHALL REFER TO THE SPECIFICATIONS FOR ADDITIONAL INFORMATION AND REQUIREMENTS ASSOCIATED WITH THE LANDSCAPE AND ACCESSORIES.
7. ALL PLANT MATERIALS SHALL MEET ANSI Z60.1 STANDARDS FOR CALIPER, HEIGHT AND ROOT BALL SIZE. ANY MATERIALS THAT DO NOT MEET OR EXCEED SUCH STANDARDS SHALL BE REJECTED AND REPLACED AT THE CONTRACTOR'S EXPENSE.
8. BILLED AND BURLAPPED TREES SHALL HAVE THE TOP HALF OF THE WIRE BASKET REMOVED. THE BURLAP SHALL BE REMOVED TO THE GREATEST EXTENT POSSIBLE, USING A KNIFE TO CUT AND REMOVE THE BOTTOM HALF UNDER THE WIRE BASKET THAT REMAINS.
9. ALL QUANTITIES PROVIDED ARE TO BE VERIFIED AND ARE THE RESPONSIBILITY OF THE CONTRACTOR.
10. IF DISCREPANCIES WITH THE PLAN AND PLANTING SCHEDULE SHOULD OCCUR, THE CONTRACTOR IS RESPONSIBLE TO VERIFY WITH THE PROJECT LANDSCAPE ARCHITECT PRIOR TO THE START OF CONSTRUCTION.
11. CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING IF CONFLICTS BETWEEN UNDERGROUND UTILITIES & PLANTING. THE PROJECT LANDSCAPE ARCHITECT SHALL BE NOTIFIED OF THE CONFLICT AND PROVIDE A SOLUTION BEFORE PLANTING MATERIAL IS INSTALLED.

**PLANTING LEGEND**

- LACEBARK ELM
- CEDAR ELM
- LIVE OAK
- POND CYPRESS
- COPPER BARK GRAPE MYRTLE
- DWARF PITTOSPORUM
- DWARF WAX MYRTLE
- DWARF BURFORD HOLLY
- FEATHER REED GRASS
- PURPLE WINTERCREEPER
- COMMON BERMLUDA
- HARDWOOD MULCH



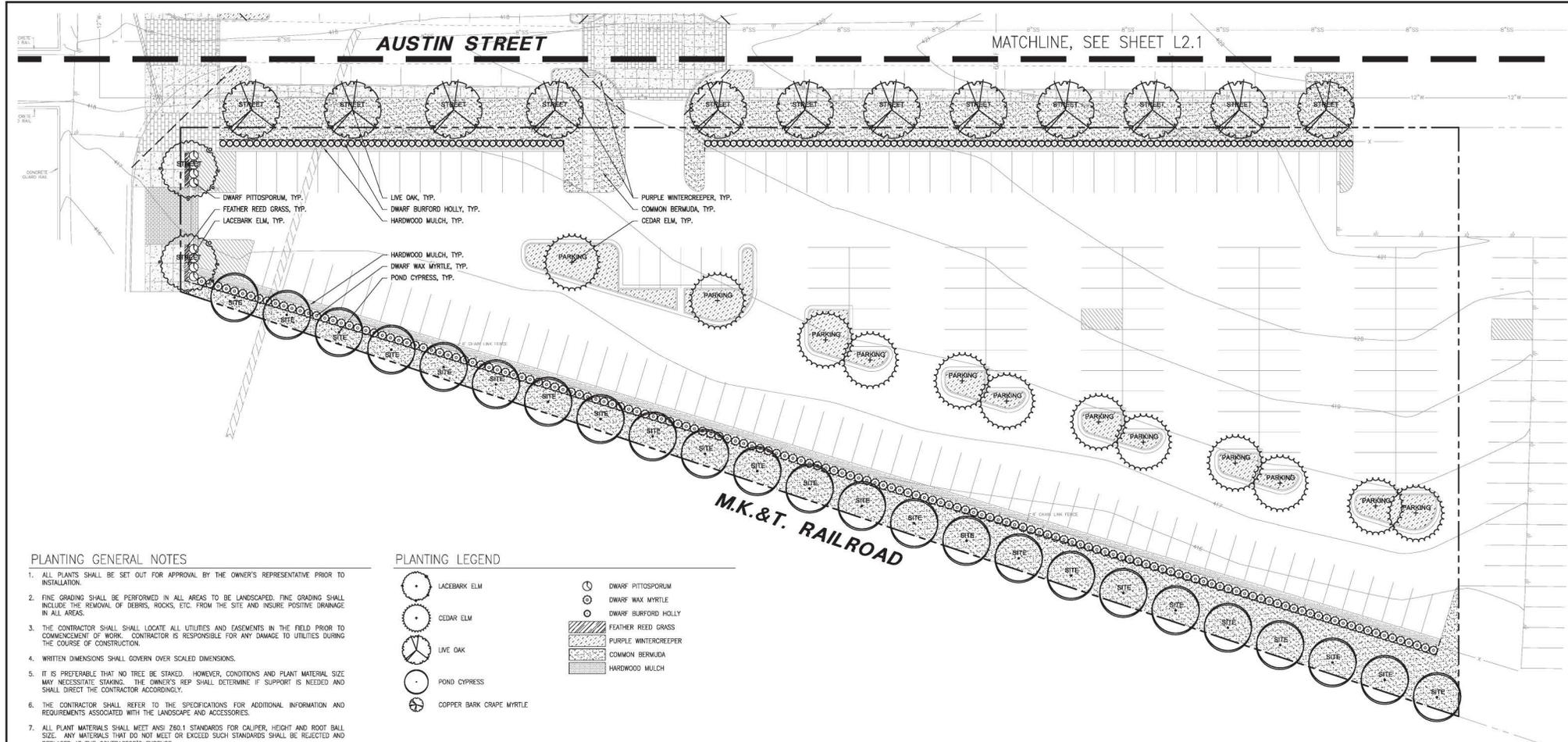
**INTERIM REVIEW**  
 THESE PLANS ARE OFFERED FOR REVIEW ONLY. THE CITY OF DALLAS DOES NOT WARRANT THE ACCURACY OF THESE PLANS. REVIEWER'S SIGNATURE AND DATE REQUIRED IN THESE PLANS.



**VICINITY MAP**  
(NOT TO SCALE)

NO.		DATE	REVISION
5320 W. CENTRAL EXPY., SUITE 1000 DALLAS, TX 75205 972.338.2031 TX REG. ENGINEERING FIRM # 14438 TX REG. SURVEYING FIRM LS-101028-08			
<b>PLANTING PLAN NORTH</b>			
<b>ALAMO DRAFTHOUSE CINEMA</b>			
<b>LAMAR STREET &amp; CADIZ STREET</b>			
<b>CITY BLOCK 1082</b>			
<b>CITY OF DALLAS, DALLAS COUNTY, TEXAS</b>			
DESIGN	DRAWN	DATE	SCALE
JJ	CM	NOV, 2014	1"=20'
			NO.
			<b>L2.1</b>

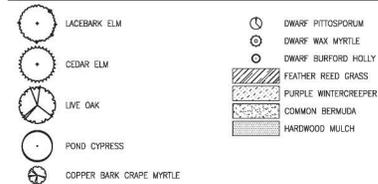
ALAMO DRAFTHOUSE CINEMA



**PLANTING GENERAL NOTES**

1. ALL PLANTS SHALL BE SET OUT FOR APPROVAL BY THE OWNER'S REPRESENTATIVE PRIOR TO INSTALLATION.
2. FINE GRADING SHALL BE PERFORMED IN ALL AREAS TO BE LANDSCAPED. FINE GRADING SHALL INCLUDE THE REMOVAL OF DEBRIS, ROCKS, ETC. FROM THE SITE AND INSURE POSITIVE DRAINAGE IN ALL AREAS.
3. THE CONTRACTOR SHALL LOCATE ALL UTILITIES AND DRAINAGES IN THE FIELD PRIOR TO COMMENCEMENT OF WORK. CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE TO UTILITIES DURING THE COURSE OF CONSTRUCTION.
4. WRITTEN DIMENSIONS SHALL GOVERN OVER SCALED DIMENSIONS.
5. IT IS PREFERABLE THAT NO TREE BE STAKED. HOWEVER, CONDITIONS AND PLANT MATERIAL SIZE MAY NECESSITATE STAKING. THE OWNER'S REP SHALL DETERMINE IF SUPPORT IS NEEDED AND SHALL DIRECT THE CONTRACTOR ACCORDINGLY.
6. THE CONTRACTOR SHALL REFER TO THE SPECIFICATIONS FOR ADDITIONAL INFORMATION AND REQUIREMENTS ASSOCIATED WITH THE LANDSCAPE AND ACCESSORIES.
7. ALL PLANT MATERIALS SHALL MEET ANSI Z60.1 STANDARDS FOR CALIBER, HEIGHT AND ROOT BALL SIZE. ANY MATERIALS THAT DO NOT MEET OR EXCEED SUCH STANDARDS SHALL BE REJECTED AND REPLACED AT THE CONTRACTOR'S EXPENSE.
8. BALLED AND BURLAPPED TREES SHALL HAVE THE TOP HALF OF THE WIRE BASKET REMOVED. THE BURLAP SHALL BE REMOVED TO THE GREATEST EXTENT POSSIBLE, USING A KNIFE TO CUT AND REMOVE THE BOTTOM HALF UNDER THE WIRE BASKET THAT REMAINS.
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**PLANTING LEGEND**



**City Requirements for PD-317**

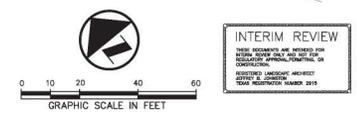
Standards			
Site Trees	1 Tree Per 4,000 SF		
Street Trees	1 Tree Per 50 Linear Feet of Lot Frontage		
Parking Trees	Each parking space must be within 120' of a tree trunk		
Dumpster Screen	6' High Screening Hedge		
Parking Screen	3' High Screening Hedge		
Site Trees			
	Required	Provided	Comments
<b>Parcel A - Building Parcel</b>			
Site Area: 90,816 SF	90,816/4000= 22.70 Trees	23	24
<b>Parcel B - Parking Parcel</b>			
Site Area: 92,628 SF	92,628/4000= 23.15 Trees	24	24
Street Trees			
	Required	Provided	Comments
<b>Parcel A - Building Parcel</b>			
Lamar Street (302.72 LF)	6.05 Trees	3	3
Cadiz Street (500.00 LF)	6.00 Trees	6	6
Austin Street (302.72 LF)	6.05 Trees	7	7
<b>Parcel B - Parking Parcel</b>			
Cadiz Street (71.86 LF)	1.44 Trees	2	2
Austin Street (501.11 LF)	12.22 Trees	12	12

**PLANTING MATERIALS SCHEDULE**

QTY.	UNIT	COMMON NAME	BOTANICAL NAME	SIZE/CONDITION	SPACING	REMARKS
10	EA	LACEBARK ELM	ULMUS PARVIFOLIA	4" B&B	PER PLAN	CONTAINER GROWN, MATCHED, WELL BRANCHED, STRONG CENTRAL LEADER
18	EA	CEDAR ELM	ULMUS CRASSIFOLIA	4" B&B	PER PLAN	CONTAINER GROWN, MATCHED, WELL BRANCHED, STRONG CENTRAL LEADER
15	EA	LIVE OAK	QUERCUS VIRGINIANA	3" CAL B&B	PER PLAN	CONTAINER GROWN, MATCHED, WELL BRANCHED, STRONG CENTRAL LEADER
48	EA	POND CYPRESS	TAXODIUM ASCENDENS	3" CAL B&B	PER PLAN	CONTAINER GROWN, MATCHED, WELL BRANCHED, STRONG CENTRAL LEADER
2	EA	COFFER BARK GRAPEMYRTLE	JAGERSTROEMIA PAUCIFLORA	30 GAL CONT	PER PLAN	MULTI-TRUNK
8	EA	DWARF PITOSPORUM	PITOSPORUM TOBIIRA WHEELERS DWARF	5 GAL CONT	4' O.C.	NURSERY GROWN, MATCHED & WELL ROOTED, CONTAINER GROWN, PLANT AS SHOWN, 9" SOL MIX
151	EA	DWARF WAXMYRTLE	MYRTICA CERIFERA 'NANA'	5 GAL CONT	4' O.C.	NURSERY GROWN, MATCHED & WELL ROOTED, CONTAINER GROWN, PLANT AS SHOWN, 9" SOL MIX
281	EA	DWARF BURFORD HOLLY	ILEX CORNUTA DWARF BURFORD	5 GAL CONT	3' O.C.	NURSERY GROWN, MATCHED & WELL ROOTED, CONTAINER GROWN, PLANT AS SHOWN, 9" SOL MIX
428	EA	FEATHER REED GRASS	KARE JOSESTER	1 GAL CONT	2' O.C.	NURSERY GROWN, MATCHED & WELL ROOTED
5,622	EA	PURPLE WINTERCREEPER	EUONYMUS FORTUNEI VAR. 'COLORATUS'	4" POT	1' O.C.	SOLID SOD TO COVER
28,505	SF	COMMON BERMUDA	CYNODON DACTYLON			
2,647	SF	HARDWOOD MULCH				



**VICINITY MAP**  
(NOT TO SCALE)



NO. DATE REVISION

**Pacheco Koch** 8350 N. CENTRAL EXPY., SUITE 1000 DALLAS, TX 75206 972.235.3031 TX REG. ENGINEERING FIRM #14439 TX REG. SURVEYING FIRM LS-101938-05

**PLANTING PLAN SOUTH**  
**ALAMO DRAFTHOUSE CINEMA**  
**LAMAR STREET & CADIZ STREET**  
**CITY BLOCK 1082**  
**CITY OF DALLAS, DALLAS COUNTY, TEXAS**

DESIGN	DRAWN	DATE	SCALE	NOTES	FILE	NO.
JJ	CM	NOV. 2014	1"=20'			<b>L2.2</b>

PK FILE: 3612-14.329

ALAMO DRAFTHOUSE CINEMA

## Building Materials

The below elevation drawings show the types of material the proposed building will contain. Included in the façade will be a combination of:

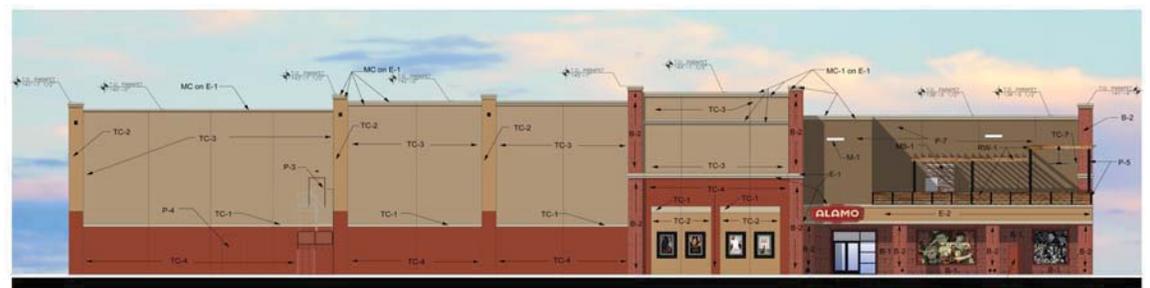
- Texture Coat Tilt Wall
- Distressed Wood
- Brick (both new and reclaimed)
- Glass Storefront
- Mondo Posters outlining select Movies



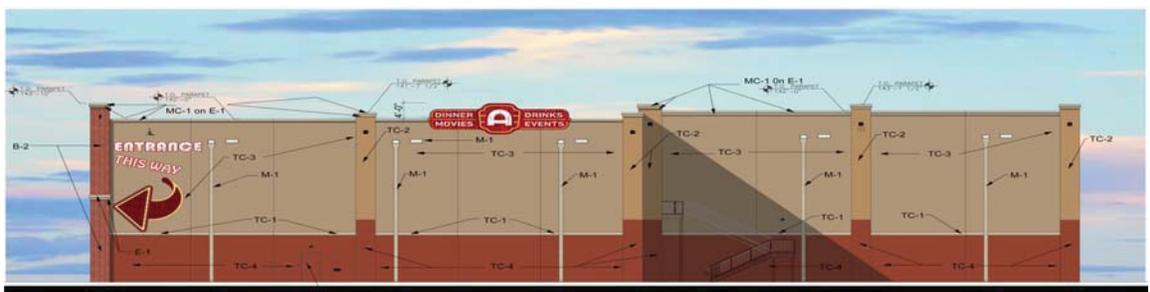
01 NORTH WEST ELEVATION



02 SOUTH WEST ELEVATION



01 SOUTH EAST ELEVATION



02 SOUTH WEST ELEVATION

## Exhibit B Alamo Draffthouse Cinema – TIF Project Budget

TIF Improvement Category	Amount
<b>Cedars (West) Sub-District:</b>	
<i>Infrastructure*</i>	\$496,488
<i>Demolition and environmental remediation</i>	\$396,000
<i>Grants</i>	\$512,512
<b>TOTAL TIF REQUEST</b>	<b>\$1,405,000</b>

\*Includes eligible expenses from TIF budget subcategories that may include infrastructure improvements such as paving, streetscape, wayfinding signage, water/wastewater/storm utilities, and/or utility burial/overhead relocation as applicable.

Related design, engineering, and professional services may be included in these categories. Expenditures may be shifted from one eligible TIF-eligible item to another as long as the total amount of TIF funding does not exceed \$1,405,000. The TIF financial contribution to the project could be less if actual costs are less and/or adequate increment does not accrue to the TIF fund.

**Exhibit C**  
**TIF Increment Allocation Policy**  
**TOD TIF District**  
**Approved by the TIF Board April 29, 2010 and Amended April 23, 2012**

It is important for the City of Dallas to encourage as many projects as possible in the TOD TIF District (the "District"). In that spirit, TOD TIF funds will be allocated to Developers proportionately, based on the increment created by the Project (defined in a specific TIF agreement) and potentially other related projects by same developer or affiliate (if not seeking separate, additional TIF funds) within the District and in accordance with sub-district increment sharing arrangements as described below and after repayment of any catalyst project with specific priority status.

**Definitions:**

**Total Increment** – the annual amount of increment deposited into the TIF fund from the participating jurisdictions.

**Individual Increment** – the portion of the increment that a Project or Related Project creates each year.

**Net Individual Increment** – Individual Increment less the Project's and/or Related Project's portion of Administrative Expenses and any required sub-district increment sharing each year. The portion of a Project's and/or Related Project's Administrative Expenses and required sub-district increment sharing will be based on the ratio of Individual Increment to Total Increment.

**Administrative Expenses** – the City will take a share of TIF revenue from this District for the amount it bills to the District for costs necessary for administration of the TIF District program, which may include charges from other departments, each year.

**District-Wide Improvements** – improvements that are not specific to a single development site such as gateways, trails, open space, public facilities, or utility/streetscape improvements benefiting multiple properties or blocks.

**Shared Increment** – the Total Increment less (1) the portion of Administrative Expenses not already deducted from Individual Increment, (2) any required sub-district increment sharing, (3) affordable housing set-aside, (4) a set-aside for District-Wide Improvements if applicable, and (5) the sum of the Individual Increments of all eligible Developers.

**Available Cash** - cash in the TOD TIF fund that is not already allocated, encumbered, or otherwise set aside for other purposes.

**Sub-District Increment Sharing Arrangements:**

In accordance with the TOD TIF District Project and Financing Plan, tax increment sharing among certain sub-districts with the TOD TIF has been designated as follows.

The Financing Plan permits tax increment sharing from the Mockingbird/Lovers Lane Sub-District to jump start redevelopment of the Lancaster Corridor in the City's southern sector where development has lagged for many years. It is anticipated that 40% of the increment generated (after administration costs) from the Mockingbird/Lovers Lane Sub-District be allocated to the Lancaster Corridor Sub-District. An additional 20% of the increment from the Mockingbird/Lovers Lane Sub-District will be allocated for the affordable housing budget line item. The affordable housing budget line item will be available district-wide to assist projects in fulfilling some of the City and County affordable housing requirements. The remaining 40% of Mockingbird/Lovers Lane Sub-District increment will be used for projects in that area.

It is anticipated that the Cedars West Sub-District will contribute 10% of the increment generated from this sub-district to the Lancaster Corridor Sub-District and another 10% toward the affordable housing budget line item. The remaining 80% of the Cedars West Sub-District increment will be used for projects in that area.

For the Cedar Crest Sub-District, most of the future increment is anticipated to be generated by the Wonderview master planned development and this increment will allow for necessary TIF support for the project and potentially other improvements in the area. Increment generated from the Cedar Crest Sub-District will be retained for projects in that area and not subject to receiving transfers from Mockingbird or Cedars West Sub-Districts and not required to transfer its increment to other sub-districts.

Increment generated from the Lancaster Corridor Sub-District will be retained for projects in that area and will not be transferred to other sub-districts.

**Procedure:**

Annually, after the Total Increment has been deposited in the TIF fund, the fund will pay or set aside Administrative Expenses based on the ratio of Individual Increments to Total Increment and any remaining costs from unallocated increment in the TIF fund, any required sub-district increment sharing, affordable housing set aside, and the amount allocated for District-Wide Improvements (*if applicable*). After (1) Administrative Expenses, (2) any required sub-district increment sharing, (3) affordable housing set aside, (4) any District-Wide Improvement allocations and (5) any allocations to catalyst priority projects have been paid or set aside, Developers approved for TIF funding from the TOD TIF will be eligible to receive their Net Individual Increment.

In addition to their Net Individual Increment, Developers will be eligible to receive a portion of any Shared Increment. The Shared Increment allotted to an eligible Developer shall be a ratio of an eligible Developer's Individual Increment to the sum of the Individual Increments for all Projects eligible for reimbursement for that year.

Dallas Central Appraisal District (DCAD) certified values for each tax year will be the data source used to determine values for the increment allocation procedure. However, no increment allocation will be made unless a total Project or specific phase as defined in a development

## Exhibit C – TOD TIF Increment Allocation Policy

agreement is completed by May 1<sup>st</sup> of a given year, as evidenced by City approval of all supporting documents required in the development agreement. The City's Director of Economic Development will make the final determination in applying future available revenues in the TIF Fund among Projects.

### **Catalyst Priority Projects:**

The Lancaster Urban Village mixed-use development project (the "Urban Village") is being viewed as an important seed project for the District and will be designated a catalyst priority project for the purposes of increment allocation, particularly as it relates to receiving increment transfers from the Mockingbird/Lovers Lane and Cedars West Sub-Districts as described below. The Urban Village will be owned by a non-profit entity and is currently intended to be taxable and therefore would be eligible for its own Individual Increment (as defined above) and Shared Increment (proportional based) from any Lancaster Sub-District Shared Increment (as defined above). If the project is tax exempt, it will not be entitled to any Lancaster Sub-District Shared Increment unless there are no other TIF projects in that sub-district. In addition (regardless of taxable status) the project is eligible for:

- I. Mockingbird/Lovers Lane Sub-District (40% increment share to Lancaster after admin) and Cedars West Sub-District (10% increment share to Lancaster after admin) as available until the TIF subsidy is met. Under the TIF Plan increment sharing arrangement, the Mockingbird/Lovers Lane and Cedars West Sub-Districts and eligible TIF projects within will retain at least 40% and 80%, respectively of increment generated in those areas.
- II. Affordable Housing increment allocation as available in combination with (ii) until the TIF subsidy is met.

**Note:** this Project will not be eligible for TIF funding in a given year unless all contractual obligations of the development agreement are fulfilled by May 1<sup>st</sup> of that year. If there are delays with the Project start date, approval of other financing sources or project completion, staff and the TIF Board may reconsider the priority status for increment allocation to the Project. If the Project completion is delayed past approved dates and other approved TIF projects are completed any available accumulated increment in the TIF fund can be used to reimburse other completed projects; and when the Project has been completed it may resume its original priority for reimbursement.

### **District-Wide Improvement Set-Aside:**

The TIF Board, at its discretion, will set-aside 5% for the first 10 years and 2.5% thereafter of any Shared Increment for District-Wide Improvements after administrative expenses and obligations to catalyst priority projects have been satisfied. Specific improvement projects are to be determined and the amount of this set-aside will be reviewed annually based on updated financial projections and District needs.

### **Notes:**

In general, the assignment of increment will be done annually, after each participating jurisdiction has deposited its annual increment into the TIF fund. Upon completion of a Project,

## Exhibit C – TOD TIF Increment Allocation Policy

developers are eligible to be reimbursed for TIF eligible expenditures from Available Cash currently in the TIF fund, if any.

If the appraised value of the remaining property in the TIF District decreases in value despite new development and as additional TIF Projects are approved and completed, the TIF subsidy for Projects that year may be reduced or unpaid. Similarly, if the sum of (1) Administrative Expenses, (2) District-Wide Improvements, and (3) the sum of the Individual Increments is greater than the Total Increment, then the Individual Increments shall be allotted on a proportional basis based on the ratio of each Developer's Individual Increment to the sum of the Individual Increments for that year. If there is no revenue available after administrative expenses, there will be no increment payments that year.

Please see Attachment A for an example of the increment allocation process until the catalyst priority project obligation has been satisfied.

At its discretion, the TOD TIF Board may make modifications or corrections to this Policy to increase its effectiveness.

**Attachment A - Sample Illustration of Increment Allocation Process**

<b>Total Increment for TOD TIF</b>	<b>100</b>
Less Administrative Expenses	<u>-10</u>
<b>Subtotal</b>	<b>90</b>
<b><i>Mockingbird Sub-District Increment</i></b>	50
Less share of Admin	5
Transfer to Lancaster Sub-District, 40%	18
Transfer to Affordable Housing Budget, 20%	<u>9</u>
<b>Subtotal</b> for Individual Projects & Shared Increment (after % set-aside for District-Wide Improvements and Project allocations proportional to value created)	<b>18</b>
<b><i>Cedars West Sub-District Increment</i></b>	30
Less share of Admin	3
Transfer to Lancaster Sub-District, 10%	2.7
Transfer to Affordable Housing Budget, 10%	<u>2.7</u>
<b>Subtotal</b> for Individual Projects & Shared Increment (after % set-aside for District-Wide Improvements and Project allocations proportional to value created)	<b>21.6</b>
<hr/>	
<b><i>Lancaster Sub-District Increment</i></b>	10
Less share of Admin	<u>1</u>
<b>Subtotal</b>	<b>9</b>
<b>Scenario 1 Projects:</b>	
<b>A1) Lancaster Urban Village (taxable)</b>	
Individual Increment	2
Shared Lancaster Increment (after % set aside for District-Wide Improvements and proportional to value created if there are multiple TIF projects)	2.5
Mockingbird Increment Transfer	18
Cedars W Increment Transfer	2.7
Affordable Housing (combined transfer)	<u>11.7</u>
<b>Subtotal</b>	<b>36.9</b>
<b>B1) Project #2</b>	
Individual Increment	2
Shared Lancaster Increment (after % set aside for District-Wide Improvements and proportional to value created if there are multiple TIF projects)	<u>2.5</u>
<b>Subtotal</b>	<b>4.5</b>
<b><i>Cedar Crest Sub-District Increment</i></b>	10
Less share of Admin	<u>1</u>
<b>Subtotal</b> for Individual Projects & Shared Increment (% set-aside for District-Wide Improvements and Project allocations proportional to value created)	<b>9</b>

April 22, 2015

**WHEREAS**, the City recognizes the importance of its role in local economic development; and

**WHEREAS**, the City Council adopted Ordinance 28740, as amended, on August 15, 2012 to authorize a bond election to be held on November 6, 2012 authorizing general obligation bonds; and

**WHEREAS**, on November 6, 2012, Dallas voters approved a \$642 million General Obligation Bond Program of which \$55,000,000 in bond funding to promote economic development activities in southern Dallas and promoting economic development in other areas of the City in conjunction with transit-oriented development by providing public infrastructure and funding the City's economic development programs for such areas; and

**WHEREAS**, the City, pursuant to Resolution No. 14-0993 approved by the City Council on June 25, 2014 (1) adopted revised Public/Private Partnership Program - Guidelines and Criteria, which established certain guidelines and criteria for the use of City incentive programs for private development projects; and (2) established programs for making loans and grants of public money to promote local economic development and to stimulate business and commercial activity in the City of Dallas pursuant to the Economic Development Programs provisions under Chapter 380 of the Texas Local Government Code, (the "Act"); and

**WHEREAS**, on June 25, 2014, the City Council elected to continue its participation in economic development grants pursuant to Chapter 380 of the Texas Local Government Code by Resolution No. 14-0993, as amended; and

**WHEREAS**, the City desires to enter into a Chapter 380 economic development grant agreement (Grant) with CCH Alamo, LP in consideration of its investment in real property improvements and the creation of new jobs in Dallas.

**NOW, THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**Section 1.** That the City Manager, upon approval as to form by the City Attorney is hereby authorized to execute an economic development grant agreement pursuant to Chapter 380 of the Texas Local Government Code in accordance with the City's Public/Private Partnership Program - Business Development Grant Program with CCH Alamo, LP for development of Alamo Draftouse Cinema at a site with parcels currently addressed at 800 Cadiz Street, 1005 South Lamar Street, and 1000 South Austin Street.

April 22, 2015

**Section 2.** That the City's economic development grant is designed to offset certain development costs including site acquisition, infrastructure, and other project-related costs for the development of Alamo Draffhouse Cinema.

**Section 3.** That the economic development grant with CCH Alamo, LP in an amount not to exceed \$450,000, will be payable upon the issuance of a certificate of occupancy for the Project by June 30, 2017 and completing all requirements required to be performed prior to payment of the TIF subsidy (not including ongoing obligations).

**Section 4.** That ~~subject to appropriations~~ the Chief Financial Officer is hereby authorized to encumber and disburse funds from: Fund 2U52, Department ECO, Unit S801, Object 3016, Activity ECNR, Encumbrance No. ECOS801F324, Vendor No. VS87777, in an amount not to exceed \$450,000.

**Section 5.** That the Director of the Office of Economic Development may authorize minor modifications to the project including development mix, design elements, and/or an extension of the project deadlines up to 6 months.

**Section 6.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.